

EXHIBIT E



NEW YORK CITY DEPARTMENT OF EDUCATION
DIVISION OF HUMAN RESOURCES
OFFICE OF APPEALS AND REVIEWS
65 Court Street, Brooklyn, New York 11201
BED/OP 9865B (5/87) pers d1 (Replaces OP 11B)

U. L. . I. O. F. M. I. P. E. R. F. O. R. M. .
V. A. D. R. P. O. T. O. N. P. R. O. B. T. I. O. N. A. L. Y.
SERVICE OF PEDAGOGICAL EMPLOYEE
(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

EMPLOYEE FIRST NAME		LICENSE		FILE NUMBER	
WELCH		794454		APR NO	
562 NEW YORK AVENUE		11229		SOCIAL SECURITY NUMBER	
BROOKLYN		79		STATE	
11229		79		ZIP CODE	
SALARY \$55014		55014		TENURED PROBATIONER SUBSTITUTE	
CURRENT SALARY RATE		DATE OF COMPLETION OF PROBATION		DATE OF COMPLETION OF PROBATION	
S		JANUARY CREDIT		NYS. TENURE CREDIT (Max 1 year)	
SCHOOL		BOROUGH		DISTRICT	
LATENESS*		FIRST YEAR		SECOND YEAR	
ABSSENCE*		THIRD YEAR		DAYS IN C.A.R.	
1		5		24	

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked, "NA" indicates "Not Applicable.")	SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES			
1. Attendance and punctuality	✓		
2. Personal appearance	✓		
3. Voice, speech and use of English	✓		
4. Professional attitude and professional growth	✓		
5. Resourcefulness and initiative	✓		
B. PUPIL GUIDANCE AND INSTRUCTION			
1. Effect on character and personality growth of pupils	✓		
2. Control of class	✓		
3. Maintenance of wholesome classroom atmospheres	✓		
4. Planning and preparation of work	✓		
5. Skill in adapting instruction to individual needs and capacities	✓		
6. Effective use of appropriate methods and techniques	✓		
7. Skill in making class lessons interesting to pupils	✓		
8. Extent of pupil participation in the class and school program	✓		
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude	✓		
10. Attention to pupil health, safety and general welfare	✓		
C. CLASSROOM OR SHOP MANAGEMENT			
1. Attention to physical conditions	✓		
2. Housekeeping and appearance of room	✓		
3. Care of equipment by teacher and children	✓		
4. Attention to records and reports	✓		
5. Attention to routine matters	✓		
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES			
1. Maintenance of good relations with other teachers and with supervisors	✓		
2. Effort to establish and maintain good relationships with parents	✓		
3. Willingness to accept special assignments in connection with the school program	✓		
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):			



SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
S	<i>[Signature]</i>	<i>[Signature]</i>
For the period:	DATE	DATE
From 9/05 to 6/06	6/16/06	6-20-06

NYC 0267

EXHIBIT F



Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Joanne Nabors, Principal
LaShawn Robinson, Assistant Principal (I.A.)

Telephone: 718-778-7305
Fax: 718-778-7385

Instruction Observation Protocol

Observer: J Nabors Teacher: E. Weber Date: 10/3/05
Subject: Chemistry Period: 1 # of students: 10
Lesson (Aim): *What are protons, neutrons and electrons?*

Observations:

Upon entering the class I asked for your lesson plan. You were distributing a worksheet stating that students should draw a picture-model of an atom. You had a student read the worksheet out loud and then provided students with drawing paper and markers. You provided them with a chemistry book..

Comments:

1. You did not provide me with a lesson plan.
2. As I walked around I noted that students were unsure of the assignment.
3. Students had text books but did not know where to find information that might assist them with the assignment.
4. No homework was indicated.

Please be advised that you must plan accordingly for classes on a daily basis and have a plan available for administration. Last week we discussed and reviewed the workshop model as well as the lesson plan format. Please utilize the model and format as a guide in planning for your classes.

I am attaching the expanded form of the template which should assist you in developing your plans. Feel free to contact me if you need additional assistance.

JN:me
Attachment

EXHIBIT G



Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Joanne Nabors, Principal
LaShawn Robinson, Assistant Principal (I.A.)

Telephone: 718-778-7305
Fax: 718-778-7385

October 21, 2005

Mr. Edward Weber
Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Dear Mr. Weber:

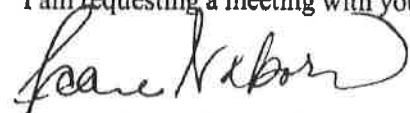
While in Mr. Andrews' leadership class, I heard a very loud noise coming from your room. I went to your classroom to investigate. Upon entering your Period 3 Leadership Class I noticed several students were not actively engaged in your lesson. You were sitting at your desk reading. I sat down and although I had not asked for a lesson plan you gave one to me (a copy is attached).

The majority of the materials on the chalkboard were chemistry notes. On a barely legible section of the board you had written: "Leadership: What is an autobiography? What makes an exciting story?" There were no other notes pertaining to the lesson.


A student asked you about some material she had written and you stated it was very good. She quickly replied that you had not read it so how could you state it was very good. You then began to distribute folders. Two students also indicated that you had not read the material in their folders. One student stated that that she didn't think it was right that you didn't read her work.

Upon returning to my office I called you and requested a meeting. At 1:20pm Ms. Robinson and I met with you. I began the meeting in a very professional manner and attempted to explain that the purpose of the meeting was to discuss the lesson plan you presented to me. You became very agitated and abrupt in asking if you needed your union rep. I calmly tried to explain it was an informal discussion of your lesson plan. You became more agitated. You then stated that you did not know to utilize the format. At this point Ms. Robinson interjected that she had visited your class and discussed the format. I stated that I gave a copy of the plan to you and during our Monday professional development sessions we had worked on the format. At this point you became very belligerent and you told me "to be quiet". At that point I asked you to leave my office.

I am requesting a meeting with you to discuss this matter. Please have your UFT representative present.


Joanne Nabors, Principal
cc LaShawn Robinson
Enclosure

I have read and received a copy of this letter>


Edward Weber

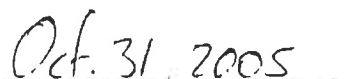

Date

EXHIBIT H



Brownsville Academy High School

1150 East New York Avenue

Brooklyn, NY 11212

Joanne Nabors, Principal

LaShawn Robinson, Assistant Principal

Telephone: 718-778-7305

Fax: 718-778-7385

Name of Teacher: Mr. Weber

Date of Observation: Thursday, March 16, 2006

Date of Post-Observation: Thursday, March 16, 2006

Class: Chemistry

Students Present: 11 Students

Objective: States of Matter

Dear Mr. Weber:

On Thursday, March 16th, I observed your 2nd period class. The lesson began with a quick review of matter. Students were called upon to answer questions regarding pure substances and mixtures. After a brief discussion a worksheet consisting of questions pertaining to the properties of matter, mixtures, elements, compounds and chemical reactions was distributed to the class. Students were asked to complete the sheet. After a few minutes students were called upon for their answers. The remainder of the period was devoted to the completion of this activity. During the discussion simple demonstrations took place.

The following items were worthy of commendation:

1. You had a modified lesson plan and attempted to follow it. The objective and Diploma Plus Competency were written on the board as students entered the room.
2. Students were provided the opportunity to work on regent type questions. This is good in that it will provide them with exposure to the type of questions that they will be facing when they take the regents examination.

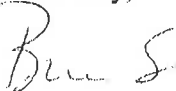
The following suggestions were offered at our post-observation conference:

1. There were 11 students present in your class of which half came to class late. You must stress to the students the importance of coming to class on time. If students continue coming late, speak with them privately or call the parents and inform them of this. When students come late, there are missing vital instructional time.
2. It is imperative that you make your presence felt throughout the lesson. When students are working either on their own or in groups, you must walk around either helping them with their work or checking to make sure they are doing what they are suppose to be doing.
3. This lesson was teacher dominated. You did too much of the talking during the class discussions. Participation in the oral part of the lesson was limited to only a few students. A greater effort must be made to get all the students involved in all aspects of the lesson especially during the discussions.

4. During the lesson you provided the students with a few hands on experiments in order to help them answer the questions. This is a great technique since it allows the students an opportunity to figure out the answer while giving them a better understanding to the subject matter. However, more of these hands-on experiments should have been planned. The more opportunities you provide students with the better their understanding will be and the livelier the class will become.
5. Every lesson must have some type of closure to it. Since students had more difficulties in answering the questions that anticipated, you were not able to complete all the work you planned. However, you still must summarize the lesson with the class. When you see that time is running out you must come to some kind of closure and have students reflect on the lesson as far as was completed.

In summary this was a satisfactory lesson.

Sincerely,



Bruce Schnur
Principal Emeritus

I have received and read a copy of this report and understand that a copy of this report will be placed in my file.



Teacher's Signature

EXHIBIT I



NEW YORK CITY DEPARTMENT OF EDUCATION
DIVISION OF HUMAN RESOURCES
OFFICE OF APPEALS AND REVIEWS
85 Court Street, Brooklyn, New York 11201
BE/DOP 0955B (5/87) pers d1 (Replaces OP 11B)

N. U. L. PROF. SSIO L. P. RFORM. NCE
REVIEW AND REPORT ON PROBATIONARY
SERVICE OF PEDAGOGICAL EMPLOYEE
(OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER, PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

EMPLOYEE		LICENSE		FILE NUMBER	
EMPL E. WEBER		794454		APT. NO.	
562 NEW YORK AVENUE		1 RK		SOCIAL SECURITY NUMBER	
BROOKLYN		NY		TENURED	
11225 79 79 K568		5390		PROBATIONER	
CITY		STATE		SUBSTITUTE	
CURRENT SALARY RATE		FOR PROBATIONERS: Date of Appointment		Date of Completion of Probation	
\$		Jarena Credit		NYS Tenure Credit (Max 1 year)	
SCHOOL		BOROUGH		DISTRICT	
		FIRST YEAR		SECOND YEAR	
		THIRD YEAR		DAYS IN C.A.R.	
		OR BORROWED DAYS		SUBSTITUTE SERVICE NO. OF DAYS	
LATENESS*		TIMES NO.		TIME LOST	
		DAYS		HRS. MIN.	
ABSENCE*		3		4	
Exclude Non-Attendance				As of 6/14/07	

* NOTE: For reports on probationers complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:

COMMENTS (as checked. "NA" indicates "Not Applicable.")	SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES			
1. Attendance and punctuality	S		
2. Personal appearance	S		
3. Voice, speech and use of English	S		
4. Professional attitude and professional growth	S		
5. Resourcefulness and initiative	S		
B. PUPIL GUIDANCE AND INSTRUCTION			
1. Effect on character and personality growth of pupils	S		
2. Control of class	S		
3. Maintenance of wholesome classroom atmosphere	S		
4. Planning and preparation of work	S		
5. Skill in adapting instruction to individual needs and capacities	S		
6. Effective use of appropriate methods and techniques	S		
7. Skill in making class lessons interesting to pupils	S		
8. Extent of pupil participation in the class and school program	S		
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude	S		
10. Attention to pupil health, safety and general welfare	S		
C. CLASSROOM OR SHOP MANAGEMENT			
1. Attention to physical conditions	S		
2. Housekeeping and appearance of room	S		
3. Care of equipment by teacher and children	S		
4. Attention to records and reports	S		
5. Attention to routine matters	S		
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES			
1. Maintenance of good relations with other teachers and with supervisors	S		
2. Effort to establish and maintain good relationships with parents	S		
3. Willingness to accept special assignments in connection with the school program	S		
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):			



SECTION 2 - PERFORMANCE EVALUATION

OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other - give title)	ACKNOWLEDGMENT BY EMPLOYEE I have received this report on:
S	<i>James M. Bon</i>	<i>James M. Bon</i>
For the period:	DATE	DATE
From 9/06 to 6/07	6/14/07	6/19/07
		SIGNATURE OF EMPLOYEE

(Complete Reverse Side for Probationary Personnel Only)

NYC 0260

SECTION 3. - TO BE COMPLETED ONLY FOR PROBATIONARY PERSONNEL

A. RECOMMENDATION BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR: To be completed and forwarded to the Community Superintendent or, for Department of Education employees, to the responsible Superintendent.	
1. <input type="checkbox"/> I recommend approval for continued probationary service <input type="checkbox"/> I recommend certification of completion of probation	2. <input type="checkbox"/> I recommend discontinuance of probationary service <input type="checkbox"/> I recommend denial of certification of completion of probation
SIGNATURE OF PRINCIPAL (If other, give title)	DATE

B. SUPERINTENDENT'S RECOMMENDATION: To be completed by Community or responsible Superintendent and returned to originating unit for employee's acknowledgement.

I recommend _____

Date _____ Signature of Superintendent _____
 (If other, give title)

C. ACKNOWLEDGEMENT BY PROBATIONARY EMPLOYEE

I have received this report on:

Date: _____ Signature of Employee _____

SECTION 4. - DOCUMENTATION

All recommendations for discontinuance or denial of certification must be accompanied by copies of substantiating documentation attached hereto, including, but not limited to, observation reports, letters, time cards or time sheets, or other relevant material.

[illegible]

RULES AND INSTRUCTIONS

1. For "Satisfactory" evaluations, prepare two copies: Copy 1 for the employee, copy 2 for the school file.
 2. For adverse evaluations (U or D), prepare four copies for distribution as follows: Copy 1 for employee, copy 2 for school file, copy 3 to the appropriate superintendent and copy 4 to the Bureau of Teacher Records, 65 Court St., Brooklyn, N.Y. 11201.
 3. For recommendations for continued service or completion of probation for probationers, prepare three copies of report for distribution as follows: Copy 1 for superintendent, copy 2 for originating school and copy 3 for the employee.
 4. For recommendations for discontinuance or denial for probationers, prepare **eight** copies of report and **seven complete sets** of documentation as listed in 'Section 4' of this form for distribution as follows: Copies 1, 2 and 3 (with documentation attached) as listed in Rule 3; Copy 4 (without documentation) to the Bureau of Teacher Records; Copies 5, 6, 7 and 8 (with documentation attached to the Office of Appeals and Reviews, 65 Court Street - Room 717, Brooklyn, N. Y. 11201.
 5. Appeals: An appeal from adverse evaluation (U or D) must be made in writing by the employee and forwarded to the Executive Director of the Division of Human Resources for the attention of the Director, Office of Appeals and Reviews within three weeks after receipt of such adverse evaluation (exclusive of the summer vacation).
 6. All personnel are hereby advised of their right to submit written comments concerning:
 - a) each observation report on their performance
 - b) evaluation reports
- NYC 0261

EXHIBIT J

2-2-12 In the Matter of Mr. Weber

SHEET 1

THE STATE EDUCATION DEPARTMENT
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of
NEW YORK CITY DEPARTMENT OF EDUCATION
v.

EDWARD WEBER

Section 3020-a Education Law Proceeding (File #TBA)

DATE: February 2, 2012

TIME: 10:00 a.m. to 12:32 p.m.
1:35 p.m. to 4:11 p.m.

LOCATION: NYC Department of Education
Office of Legal Services
49-51 Chambers Street
New York, NY 10007

BEFORE: JOHN WOODS, ESQ.
HEARING OFFICER

2-2-12 In the Matter of Mr. Weber

SHEET 5

1 PHILLIPS - DIRECT - CUMMINGS
 2 deal with intake, incoming of new scholars to our
 3 school community. I also work with the staff in terms
 4 of making sure that the payroll is put together, well
 5 if they have any issues concerning supplies, ordering,
 6 dealing and working closely with the community-based
 7 organizations in the school, in addition to working
 8 with pedagogy, instruction, curriculum development,
 9 and - - .
 10 Q: And what are some of your duties and
 11 responsibilities as the chair of the science
 12 department?
 13 A: As the chair of the science department
 14 I lead the professional development and articulate and
 15 work with the science teachers on making sure that we
 16 are in compliance with everything that we need to do
 17 in terms of meeting and exceeding our school-wide
 18 goals, and also helping to develop them as teachers.
 19 Q: And how many teachers do you supervise
 20 as the chair of the science department?
 21 A: Two teachers.
 22 Q: Immediately prior to your selection as
 23 an assistant principal at Brownsville Academy what
 24 position did you hold?
 25 A: I was the assistant principal of

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1 PHILLIPS - DIRECT - CUMMINGS
 2 skill-based learning with the standards that New York
 3 City has. In addition I worked on the Regent
 4 examinations looking at where scholars were, and what
 5 we need to do to make sure that they increase their
 6 scores on standardized examinations.
 7 Q: And prior to your election as a
 8 science coordinator at that school you said you were
 9 there for four years, what was your position?
 10 A: I worked as a teacher. I was a
 11 teacher of biology and earth science at Transit Tech
 12 for, well through the duration as being coordinator
 13 but I worked solely as a teacher for one year, and
 14 also as a dean of discipline.
 15 Q: What other teaching experience do you,
 16 well how long have you been a teacher?
 17 A: I've been a teacher since 2001 with
 18 the Department of Education, and I also worked with
 19 the Department of Health where I trained new health
 20 inspectors and sanitary aides.
 21 Q: And you said since 2001 with the
 22 Department of Education. Prior to becoming a teacher
 23 with the Department of Education 2001 were you a
 24 teacher in any other entity?
 25 A: I wasn't a teacher but I trained new

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1 PHILLIPS - DIRECT - CUMMINGS
 2 organization for the New York City Vocational Training
 3 Center where my duties were similar to what I'm doing
 4 now.
 5 Q: And how long did you hold that
 6 position?
 7 A: I held that position for two years
 8 prior to joining Brownsville Academy High School.
 9 Q: And prior to becoming an assistant
 10 principal at the New York City Vocational Training
 11 Center what position did you hold?
 12 A: I was a science coordinator at Transit
 13 Tech High School.
 14 Q: And how long were you a science
 15 coordinator?
 16 A: For four years, no coordinator, I
 17 worked there for four years, however I was a
 18 coordinator for three years.
 19 responsibilities as a science coordinator?
 20 A: It's similar to assistant principal.
 21 I helped with pedagogy. I did peer observations. We
 22 worked on new initiatives in the school. I chaired
 23 the research in terms of, well the research that we
 24 were doing was just developing scholars, connecting

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1 PHILLIPS - DIRECT - CUMMINGS
 2 sanitary aides. So it was instructional and we had to
 3 know the health code but it wasn't as a teacher as a
 4 position. My position was healthcare, excuse me
 5 health inspector, health sanitary.
 6 Q: And what is your educational
 7 background?
 8 A: I received a Bachelors in biology from
 9 Long Island University in 1995. I also did a post-
 10 baccalaureate program where I studied the sciences
 11 further for a year. I have a Masters in education at
 12 Cambridge College and I graduated in 2004.
 13 Q: And what certificates or licenses do
 14 you hold?
 15 A: I hold a teacher's license in biology.
 16 I have an administrative license as well in
 17 organization and also supervision.
 18 Q: Do you know the Respondent in this
 19 case, Mr. Edward Weber?
 20 A: Yes, I do.
 21 Q: And how do you know the Respondent?
 22 A: I supervise Mr. Weber.
 23 Q: During the 2009 to 2010 and 2010 to
 24 2011 school years were you the Respondent's direct
 25 supervisor?

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EXHIBIT K

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New York City Department of Education
Division of Human Resources
65 Court Street, Brooklyn, New York 11201
BE/DOP 9955B (5/04) pers d)

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE

(OTHER THAN PERSONNEL GUIDANCE FOR SENIOR SCHOOL SOCIAL WORKER,
PSYCHOLOGIST, EDUCATIONAL EVALUATOR, SCHOOL SECRETARY)

EMPLOYEE'S FULL NAME WEBER EDWARD		LICENSE CHEMISTRY AND GENERAL SCIENCE		FILE NUMBER 0794454				
EMPLOYEE'S COMPLETE HOME ADDRESS (Number and Street) 562 NEW YORK AVENUE		APT NO.		EMPLOYEE ID NUMBER 908384				
CITY BROOKLYN	STATE NY	ZIP CODE 11225	TENURED <input checked="" type="checkbox"/>	PROBATIONER <input type="checkbox"/> SUBSTITUTE <input type="checkbox"/>				
CURRENT SALARY RATE \$69,160.00	FOR PROBATIONERS: Date of Appointment Jerema Credit		N.Y.S. Tenure Credit (Max 1 year)	Date of Completion of Probation				
SCHOOL K568-BROWNSVILLE ACADEMY HIGH SCHOOL		BOROUGH BROOKLYN		DISTRICT 17				
Printed as of 06-13-08	FIRST YEAR			SECOND YEAR	THIRD YEAR	DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS
	TIMES NO.	TIME LOST			TIMES NO.			
LATENESS*	0	0	0	0				
ABSENCE*	10	10	0	0				
*NOTE: For reports on probationers, complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.								

SECTION 1- REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR:				
COMMENTS (as checked, "NA" indicates "Not Applicable")		SATIS-FACTORY	UNSATIS-FACTORY	ADDITIONAL COMMENTS
A. PERSONAL AND PROFESSIONAL QUALITIES				
1. Attendance and punctuality				
2. Personal appearance				
3. Voice, speech and use of English				
4. Professional attitude and professional growth				
5. Resourcefulness and initiative				
B. PUPIL GUIDANCE AND INSTRUCTION				
1. Effect on character and personality growth of pupils				
2. Control of class				
3. Maintenance of wholesome classroom atmosphere				
4. Planning and preparation of work				
5. Skill in adapting instruction to individual needs and capacities				
6. Effective use of appropriate methods and techniques				
7. Skill in making class lessons interesting to pupils				
8. Extent of pupil participation in the class and school program				
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude				
10. Attention to pupil health, safety and general welfare				
C. CLASSROOM OR SHOP MANAGEMENT				
1. Attention to physical conditions				
2. Housekeeping and appearance of room				
3. Care of equipment by teacher and children				
4. Attention to records and reports				
5. Attention to routine matters				
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES				
1. Maintenance of good relations with other teachers and with supervisors				
2. Effort to establish and maintain good relationships with parents				
3. Willingness to accept special assignments in connection with the school program				
E. ADDITIONAL REMARKS (Additional sheets, signed and acknowledged may be attached)				

SECTION 2- PERFORMANCE EVALUATION			
OVERALL EVALUATION: S, U, or D (D for first year probation only)	S	SIGNATURE OF PRINCIPAL (If other, give title)	ACKNOWLEDGEMENT BY EMPLOYEE I have received this report on
For the period:		<i>James Nabors</i>	<i>Edward J. Weber</i>
From 8/30/2007 to 6/28/2008		DATE	DATE
			6-23-08

(Continued. Please go to page 2)



EXHIBIT L



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212

Joanne Nabors, Founding Principal
Lana Phillips, Assistant Principal
Katwona Warren, Assistant Principal

Telephone: 718-778-7305
Fax: 718-778-7385

To: Joanne Nabors, Principal
Fr: Lana Phillips, Assistant Principal
Re: 4/9/08- Walk Through of Mr. Weber's class
Date: Friday, April 11, 2008

The following is a summary of the events that occurred while conducting a walk through observation of Mr. Weber's Chemistry class on Wednesday, April 9, 2008 during period 5:

All teachers and staff members were notified during the staff conference held on 4/7/08 and on the morning of 4/9/08 that the administrators will be coming around to visit classrooms. Like all other important announcements and reminders, this information was written on the whiteboard in the main office for all staff to view.

On 4/9/08, I was assigned to the 2nd and 3rd floors and conducted the walk through observations beginning period 2. I started on the 2nd floor and traveled from room to room, only bypassing classes that were not in session. I completed two observations on the second floor before I was summoned to room 308 on the 3rd floor to participate in a meeting. After the meeting, I continued the walk through observations, starting with the classroom that was closest in proximity to the location of the meeting. I continued traveling from room to room, again only bypassing classes that were not in session. At approximately 11:40am, I entered Mr. Weber's classroom.

As I entered Mr. Weber's classroom, I greeted him and walked over to an empty seat in the far corner of his classroom. I asked him for his lesson plan, which he immediately handed to me along with a handout of work that the students were supposed to be completing. His objective of the day, SWBAT create a model of a gold atom, was not only written on his lesson plan, but also on a small whiteboard next to his desk. I discreetly proceeded with the walk through observation.

To my surprise, the only notes observed on Mr. Weber's chalkboard were about acids and bases, which is a subject that is unrelated to his lesson plan's objective. Furthermore, these notes were written in my presence on Tuesday, April 1, 2008 during my previous observation of his class. Of the four students that were present, was not on his register. According to the HSST Line Schedule, the student belonged in Mr. Neagle's class. One male student was on the computer watching a sitcom about a gourmet cooking competition with the audio quite high. A female student was finalizing her science fair project. Finally, the fourth student entered the classroom very late. Without collecting a pass or addressing the tardiness, Mr. Weber handed the student an assignment to complete. All students were working independently on their science fair projects, not on creating a model of a gold atom as the lesson plan indicated. Unfortunately, at no time did Mr. Weber execute the objective of his lesson plan.

I respectfully told Mr. Weber that it is imperative that all students receive instruction daily and directed him to follow his written lesson plan. I also reminded him of our post-observation conferences where we agreed that he could maximize instructional time by using class time to teach students new concepts daily instead of having students conduct research and complete assignments that would be best suited for homework.

Suddenly without any warning, Mr. Weber became quite belligerent and shouted out loud 'you are harassing me' in front of the entire class. He continued to state that he wants to meet with Ms. J Browne, Union Representative and myself. He even involved his students by asking them if they would prefer to complete their science projects in class or take time out of their busy lives to complete it at home. I respectfully reminded Mr. Weber that we are both professionals and must be mindful of the fact that we are in front of our students. I kindly asked him to move the conversation to the front door out of respect for ourselves, the school, and most importantly for our students. Mr. Weber responded by asking me to leave his classroom twice. I did not respond to him verbally and continued with my observation. Mr. Weber went so far as to leave his classroom and had a conversation with another staff member about the 'harassment' he was experiencing. Mr. Weber reentered the classroom and continued to make a spectacle of himself by stating 'I'll be SURE to discuss this with Mr. Glick during the Quality Review when he comes in tomorrow' three times in a row. Mr. Weber's impulsive tirade was so unprofessional, a male student interjected and said 'I can't believe this...my two favorite people...I can't handle this... this is really upsetting me' and walked out of the classroom.

This is the third time this year that I've visited Mr. Weber's classroom where students were working independently with very little to no interaction was observed between the teacher and the students. Equally as disturbing is the fact that Mr. Weber's students have been working exclusively on the science fair projects each time I have visited his classroom since January of last semester. Finally, based upon all of my observations of Mr. Weber's class, the course curriculum is inappropriate, in that the content concepts are too elementary and not aligned with the NYS high school level chemistry curriculum.

4/4/08

Mr. Webber was in the class ^{helping} ~~helping~~ us go over ~~our~~ ^{our} Scienc
 projects so we could get his input on it. He ^{wasn't} ~~wasn't~~ sure if w
 didn't do it in class people wouldn't do the project anyway or
 I agree. It made ~~more~~ ^{it} more understanding in reading
 to me when he went over it. Ms. Phillips came to observe our c
 and I seen she asking him some ^{questions} questions and by his expres
 she was asking some offensiv ^{questions} ~~en~~ that he felt wasn't approp
 He told ms. Phillips to leave and she didn't leave, she w
 to take to him outside of class so the students ~~was~~ ^w
 got detracted. I M B didn't know
 what Miss Phillips said to him, I was on the compu
 at ~~time~~ typing out a research project and watching a vide
 a Mr. Webber said something about a union with some
 workers that he would complain about the way he's
 being treated.

Mr. Weber was being asked questions and told that he needed to stick more to ~~the~~ doing actual ~~the~~ chemistry work. Mr. Weber told Ms. Phillips that he knew what he was doing ~~the~~ and that he would like her to teach that class because he felt that it was important that students be able to focus on their Science fair projects. Mr. Weber was then asked by Ms. Phillips to turn on the lights because she felt the students would be able to see better. Mr. Weber told her that he liked the lights the way they were because ~~of~~ of the mood. Ms. Phillips asked a student what the word competency meant. Mr. Weber asked Ms. Phillips to leave because he said ~~she~~ ^{she} was harassing him. Mr. Weber called someone on the phone. Ms. Phillips then told Mr. Weber that since we are both professionals that we are going to have a meeting. ~~the~~ - Ms. Phillips then called ~~at~~ the principal on her walkie talker. And I don't remember the rest because I was trying to work on my

Mr. Weber said that he would be informing Mr. Glick
on Thursday.

Today I ~~observed~~ observed something strange in class Ms. Phil.
 was telling Mr. Weber how ~~he~~^{she} Change or improve his lesson
 and he felt that if He would have told the students to do the
 Science Fair project at home that it would not be completed
 but Ms. Phillips ~~insisted~~ insisted that he gave us some work. After
 about five more ~~seconds~~ Mr. Weber started getting mad I never
 seen this side of him then he says that he was going to
~~call~~ call his union worker. Then ~~Mr Weber~~ Mr Weber ~~asked~~
 politely asked ms. philips to leave the class room because
 he was uncomfortable.

J. J. [REDACTED]

EXHIBIT M



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212

Telephone: 718-778-7305

Fax: 718-778-7385

Joanne Nabors, Founding Principal
LaShawn Robinson, Aspiring Principal

Lana Phillips, Assistant Principal

Katwona Warren, Assistant Principal

May 14, 2008

Mr. Edward Weber
Chemistry Teacher
Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Dear Mr. Weber:

On Wednesday, April 9 I received a frantic call from you during period 5. You stated that you were being "harassed by Ms. Phillips." I inquired as to how your supervisor was "harassing" you. You indicated that she was in your room asking for a lesson plan, which you had, and that you were working on the science fair. You further stated that you wanted to talk with your union representative and meet with me the next day which was Thursday, April 10. I told you that we could not meet because of the two-day Quality Review but I would gladly meet with you and your union representative on Monday, April 14.

On Monday, April 14 during period 4 I met with you, Ms. J. Browne, your union representative, Assistant Principal Phillips and Aspiring Principal Robinson. I asked you to share your perspective on what happened during your period 5 class.

The following is a summary of the issues that were discussed at the meeting:

- During the observation, you stated that Ms. Phillips was harassing you. You elaborated by stating that Ms. Phillips wanted you to move the science competencies to another location in your room and did not want you to work with your students on their science fair projects. Also, you indicated that Ms. Phillips requested that you submit a separate lesson plan related to the science fair in addition to a curriculum for the work that will be covered for the remainder of the school year. You summarized by stating that Ms. Phillips' requests were unrealistic and that you would like her to show you how to accomplish the tasks that are asked of you.
- Ms. Phillips stated that she was assigned by the principal to conduct an observation protocol for all teachers located on the 3rd floor, which happens to be the floor in which your chemistry class is held. All teachers and staff members were notified during the staff conference held on 4/7/08 and on the morning of 4/9/08 (Daily Event Board) that administrators would be coming around to visit classrooms. Ms. Phillips further stated that she asked you for a lesson plan and you produced one with an objective that was not being implemented. At the time of the walk through observation, she stated four students were in the classroom. One student was watching a reality show on the internet that was not related to chemistry, one male student belonged in another class, one female student was decorating her display board for the science fair, and the fourth student entered the classroom during the later half of the period. In regards to the science competencies, Ms. Phillips stated that she asked you to display the poster conspicuously in an area where all students can easily see them and only suggested that the area next to the telephone would be a suitable placement. Finally, Ms. Phillips stated she did not ask you to write a chemistry curriculum. Rather, she requested that you submit a list of topics that you plan to cover for the remainder of the term so that she could assist you with the backward planning process.

We Are The Best!

NYC 0243


- Ms. Phillips alleged that you became quite belligerent and without warning, you impulsively shouted out loud "you are harassing me" in front of the entire class. She further stated that you asked her to leave your classroom more than once while she was attempting to complete the observation protocol. She further stated that you left the classroom unattended and you were shouting and had a discussion about your alleged harassment with another staff member instead of instructing your students. Upon reentering the classroom, Ms. Phillips alleged that you told her three times in a row of your plans to talk with the Quality Reviewer by stating "I'll be sure to discuss this with Mr. Glick during the Quality Review when he comes in tomorrow."

Due to the serious nature of the allegations made by both you and Ms. Phillips, I initiated an investigation. Statements were collected from Ronald Kelly, Intervention Specialist and three of your chemistry students that were present during the observation. As per Mr. Kelly's written statement, you said in an agitated state "I'm being harassed...Ms. Phillips is harassing me, coming to my class, asking for my lesson plan, etc." One of your students S [redacted] B [redacted] wrote, "Mr. Weber asked Mrs. Phillips to leave because he said she was harassing him." S [redacted] also wrote, "Mr. Weber said he would be informing Mr. Glick on Thursday." Another student J [redacted] J [redacted] wrote, "I observed something strange in class...I never seen this side of him (Mr. Weber)...he says that he was going to call his union worker." Finally, M [redacted] B [redacted] wrote, "He told Ms. Phillips to leave and she didn't leave...Mr. Weber said something about a union...that he would complain about the way he's being treated."

Based upon the written statements made by Mr. Kelly and your chemistry students, I have come to the conclusion that your behavior was unprofessional, unacceptable and will not be tolerated at Brownsville Academy HS. Prior to this incident, you had confided in me that you were experiencing personal issues which had been causing you stress. Although I empathize with you, please understand that I cannot accept any unprofessional behavior from any staff member that disrupts the educational process. As stated in our meeting, if in fact you need to take a break, do not hesitate to call me and I will immediately make arrangements to provide coverage for your class so that you can take a break. However, as I indicated in the meeting, if an unprofessional outburst of this nature occurs again, a letter will be placed in your file.

Finally, as per your request, I have directed Ms. Phillips to assist you in an effort to improve the quality of instruction and implement the very best chemistry course that Brownsville Academy High School can offer.

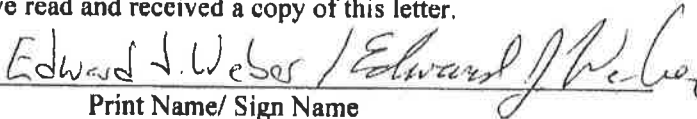
Sincerely yours,


Joanne Nabors
Founding Principal

JN:me

C: LaShawn Robinson, Aspiring Principal
Lana Phillips, Assistant Principal

I have read and received a copy of this letter.


Print Name/ Sign Name

5-22-08
Date



Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Joanne Nabors, Principal
Lana Philips, Assistant Principal
Katowna Warren, Assistant Principal

Telephone: 718-778-7305
Fax: 718-778-7385

April 10, 2008

INCIDENT STATEMENT from Mr. Kelly

On Wednesday, April 9, 2008 during the 6th period (lunch) I informed SSA Edwards that I was going up to the main office to check my mailbox. There were three Intervention Referral Forms submitted by Mr. Weber, Teacher, concerning an incident involving three students who were all in the same class together. The incidents documented by Mr. Weber (students not working, wearing earrings, wearing earphones) happened during the 2nd period on this same day. I stopped by Mr. Weber's classroom (302) to acknowledge receipt of the IRF's by simply signaling by a wave of the papers so as not to disturb his lesson. As I did this, turning to leave, Mr. Weber called my name and followed me into the hallway. He was in an agitated state and said to me, "I'm being harassed." I was confused, thinking he was being harassed by a student until he continued stating, "Ms. Philips is harassing me, coming into my class, asking for my lesson plan, etc." I responded by advising Mr. Weber to initially speak with Ms. Nabors which he stated he already did and that he is going to file a grievance. I had no other response but to shrug my shoulders and walk away, returning to the lunchroom.

Signed

Ronald Kelly

EXHIBIT N



New York City Department of Education
Division of Human Resources
65 Court Street, Brooklyn, New York 11201
BEDOP 9955B (3/09) pers dl

ANNUAL PROFESSIONAL PERFORMANCE REVIEW AND REPORT ON PROBATIONARY SERVICE OF PEDAGOGICAL EMPLOYEE

OTHER THAN SUPERVISOR, GUIDANCE COUNSELOR, SCHOOL SOCIAL WORKER,
PSYCHOLOGIST, SCHOOL SECRETARY)

EMPLOYEE'S FULL NAME WEBER, EDWARD				LICENSE CHEMISTRY AND GENERAL				FILE NUMBER 0794454			
EMPLOYEE'S COMPLETE HOME ADDRESS (Number and Street) 562 NEW YORK AVENUE								APT NO		EMPLOYEE ID NUMBER 0908384	
CITY BROOKLYN		STATE NY		ZIP CODE 11225		TENURED <input checked="" type="checkbox"/>		PROBATIONER <input type="checkbox"/>		SUBSTITUTE <input type="checkbox"/>	
CURRENT SALARY RATE \$ 75,796.00		FOR PROBATIONERS: Date of Appointment				Jarema Credit		N.Y.S. Tenure Credit (Max 1 year)		Date of Completion of Probation	
ISCIPN SCHOOL 05 K568-BROWNSVILLE ACADEMY HIGH S				BOROUGH BROOKLYN				DISTRICT 17			

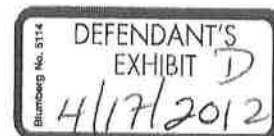
Printed as of 06-23-09 LATENESS* ABSENCE* <small>*Exclude non-attendance</small>	FIRST YEAR				SECOND YEAR				THIRD YEAR				DAYS IN C.A.R.	OR BORROWED DAYS	SUBSTITUTE SERVICE NO. OF DAYS	
	TIMES NO.	TIME LOST			TIMES NO.	TIME LOST			TIMES NO.	TIME LOST						
		DAYS	HRS	MIN		DAYS	HRS	MIN		DAYS	HRS	MIN				
		0	0	0												
		5	2	45										37		

*NOTE: For reports on probationers, complete 1 to 3 years as applicable. For all other personnel use "First Year" to denote current year.

SECTION 1 - REPORT BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR		
COMMENTS (as checked, "S" indicates Satisfactory, "U" Unsatisfactory, "D" Doubtful-first year probation only, "NA" Not Applicable)	S	U
A. PERSONAL AND PROFESSIONAL QUALITIES		
1. Attendance and punctuality	<input type="checkbox"/>	<input type="checkbox"/>
2. Personal appearance	<input type="checkbox"/>	<input type="checkbox"/>
3. Voice, speech and use of English	<input type="checkbox"/>	<input type="checkbox"/>
4. Professional attitude and professional growth	<input type="checkbox"/>	<input type="checkbox"/>
5. Resourcefulness and initiative	<input type="checkbox"/>	<input type="checkbox"/>
B. PUPIL GUIDANCE AND INSTRUCTION		
1. Effect on character and personality growth of pupils	<input type="checkbox"/>	<input type="checkbox"/>
2. Control of class	<input type="checkbox"/>	<input type="checkbox"/>
3. Maintenance of wholesome classroom atmosphere	<input type="checkbox"/>	<input type="checkbox"/>
4. Planning and preparation of work	<input type="checkbox"/>	<input type="checkbox"/>
5. Skill in adapting instruction to individual needs and capacities	<input type="checkbox"/>	<input type="checkbox"/>
6. Effective use of appropriate methods and techniques	<input type="checkbox"/>	<input type="checkbox"/>
7. Skill in making class lessons interesting to pupils	<input type="checkbox"/>	<input type="checkbox"/>
8. Extent of pupil participation in the class and school program	<input type="checkbox"/>	<input type="checkbox"/>
9. Evidence of pupil growth in knowledge, skills, appreciations and attitude	<input type="checkbox"/>	<input type="checkbox"/>
10. Attention to pupil health, safety and general welfare	<input type="checkbox"/>	<input type="checkbox"/>
C. CLASSROOM OR SHOP MANAGEMENT		
1. Attention to physical conditions	<input type="checkbox"/>	<input type="checkbox"/>
2. Housekeeping and appearance of room	<input type="checkbox"/>	<input type="checkbox"/>
3. Care of equipment by teacher and children	<input type="checkbox"/>	<input type="checkbox"/>
4. Attention to records and reports	<input type="checkbox"/>	<input type="checkbox"/>
5. Attention to routine matters	<input type="checkbox"/>	<input type="checkbox"/>
D. PARTICIPATION IN SCHOOL AND COMMUNITY ACTIVITIES		
1. Maintenance of good relations with other teachers and with supervisors	<input type="checkbox"/>	<input type="checkbox"/>
2. Effort to establish and maintain good relationships with parents	<input type="checkbox"/>	<input type="checkbox"/>
3. Willingness to accept special assignments in connection with the school program	<input type="checkbox"/>	<input type="checkbox"/>
E. ADDITIONAL REMARKS (additional sheets, signed and acknowledged may be attached):		

SECTION 2 - PERFORMANCE EVALUATION		
OVERALL EVALUATION S, U, or D (D for first year probation only)	SIGNATURE OF PRINCIPAL (If other, give title)	ACKNOWLEDGEMENT BY EMPLOYEE (I have received this report.)
S		
For the period From 8/28/2008 to 6/30/2009	DATE 6/26/09	DATE 6/26/09

(Continued... Please go to page 2)



NYC 0238

TO BE COMPLETED ONLY FOR PROBATIONARY PERSONNEL. A RECOMMENDATION BY PRINCIPAL OR OTHER APPROPRIATE SUPERVISOR. To be completed and forwarded to the Superintendent or, for City District employees, to the responsible Superintendent.	
1. <input type="checkbox"/> I recommend approval for continued probationary service. 2. <input type="checkbox"/> I recommend certification of completion of probation.	3. <input type="checkbox"/> I recommend discontinuance of probationary service. 4. <input type="checkbox"/> I recommend denial of certification of completion of probation.
SIGNATURE OF PRINCIPAL (If other, give title) _____	DATE _____
B. SUPERINTENDENT'S RECOMMENDATION. To be completed by Superintendent and returned to originating unit for employee's acknowledgement.	
I recommend _____	
SIGNATURE OF SUPERINTENDENT _____ <div style="text-align: center; font-size: small;">(If other, give title)</div>	DATE _____
C. ACKNOWLEDGEMENT BY PROBATIONARY EMPLOYEE	
SIGNATURE OF EMPLOYEE _____	I RECEIVED THIS REPORT ON: _____ DATE _____

All recommendations for discontinuance or denial of certification must be accompanied by copies of substantiating documentation attached hereto, including, but not limited to, observation reports, letters, time cards or time sheets, or other relevant material.

[illegible]

NOTE: If space is insufficient to list all documentation, listing on additional sheets may be attached. If there are continuation sheets check here: Number of additional sheets:

1. For Satisfactory (S), Adverse (U or D), and Continued Service/Completion of Probation for Probationers Evaluations, prepare THREE COPIES as follows:
 - a. Copy #1 to employee
 - b. Copy #2 to school file
 - c. Copy #3 to Superintendent
2. For recommendations for Discontinuance or Denial for Probationers, prepare FIVE COPIES along with 5 SETS OF SUPPORTING DOCUMENTATION as follows:
 - a. Copies #1,2 & 3 as listed in Rule 1
 - b. Copy #4 to the Office of Appeals & Reviews, 65 Court Street, Room 717, Brooklyn, NY 11201
 - c. Copy #5 to the Division of Human Resources/Office of Teacher Records
3. All employees have the right to submit written comments concerning each of these evaluation reports. For an appeal of an adverse evaluation, see below:
 - a. Appeal must be made in writing to the Director, Office of Appeals & Reviews, 65 Court Street, Room 717, Brooklyn, NY 11201 within 3 weeks after receipt of adverse evaluation (excluding summer vacation).

EXHIBIT O



Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212

Walkthrough

Date: 1/6/09 Teacher: Eli Weber Class: Chemistry Period: 8
Objective: SWBAT understand acids and bases.

(E) Excellent (S) Satisfactory (NI) Needs Improvement (U) Unsatisfactory

	E	S	NI	U
1. Planning/preparation were evidenced through:				
- demonstrated knowledge of subject matter and pedagogy	X			
- demonstrated knowledge of students		X		
- objective(s) was at the appropriate level		X		
- demonstrated knowledge of appropriate resources	X			
- demonstrated instructional planning		X		
- demonstrated knowledge of the workshop model		X		
- ability to achieve learning objective		X		
- ability to gauge lesson pacing		X		
2. Instruction was characterized by:	E	S	NI	U
- communication/presentation was clear and accurate		X		
- questions and discussion techniques		X		
- actively engaged students	X			
- feedback provided to students	X			
- encouragement and motivation of students	X			
- provision for guided practice	X			
- provision for wrap up		X		
- provision for homework		X		
3. Classroom environment reflected:	E	S	NI	U
- respect and rapport	X			
- culture for learning		X		
- managed classroom procedures	X			
- managed student behavior		X		
- organized learning environment		X		
- responsiveness of student needs		X		
- individual and active involvement of students in the learning process	X			
- differentiated instruction		X		

Commendations:

- You have an excellent rapport with the students. You recognize their accomplishments, give positive feedback and keep students engaged.
- Your knowledge of the curriculum and your use of materials and resources make the subject matter accessible to students.
- You adjust your lessons based on informal assessment of student understanding and performance, having taken note of student confusions.
- You pace your instruction to include ongoing review and closure of lessons and connect them to future lessons.

Recommendations:

- As students respond to questions during the lesson, encourage them to use Accountable Talk in the classroom by being reflective and providing feedback based on the responses of their classmates.
- Provide students with opportunities to monitor their own work and to reflect on progress and process.
- Continue to reflect on your practice as a motivation for your personal growth.

☒ This was a satisfactory walkthrough.
☐ This was an unsatisfactory walkthrough.

Edward Weber
Administrator's Signature

1/13/09
Date

I have read and received a copy of this walkthrough and understand that a copy is being placed in my file.

Edward Weber

1-13-08

NYC 0240

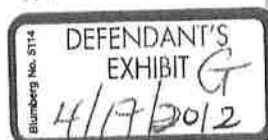
EXHIBIT P



Brownsville Academy High School
1150 East New York Avenue
Brooklyn, NY 11212



Classroom Walkthrough



Date: 12/7/09 Teacher: Mr. Weber Class: Chemistry Period: 6
Attendance: 9 Diploma Plus Competencies: S07: Scientific Systems
Lesson Objective: SWBAT understand chemical reactions

(E) Excellent (S) Satisfactory (NI) Needs Improvement (U) Unsatisfactory

1. Planning/preparation were evidenced through:	E	S	NI	U
- demonstrated knowledge of subject matter and pedagogy		X		
- demonstrated knowledge of students		X		
- objective(s) was at the appropriate level (Lower level of Bloom's Questioning)			X	
- demonstrated knowledge of appropriate resources		X		
- demonstrated instructional planning		X		
- demonstrated knowledge of the workshop model (Instruction was teacher centered)			X	
- ability to achieve learning objective			X	
- ability to gauge lesson pacing		X		
2. Instruction was characterized by:	E	S	NI	U
- communication/presentation was clear and accurate		X		
- questions and discussion techniques		X		
- actively engaged students (More student engagement strategies needed)			X	
- feedback provided to students		X		
- encouragement and motivation of students		X		
- provision for guided practice		X		
- provision for wrap up		X		
- provision for homework		X		
3. Classroom environment reflected:	E	S	NI	U
- respect and rapport		X		
- culture for learning		X		
- managed classroom procedures		X		
- managed student behavior		X		
- organized learning environment		X		
- responsiveness of student needs		X		
- individual and active involvement of students in the learning process			X	
- differentiated instruction		X		

Commendations:

- There was evidence of differentiated instruction which was used to address the needs of learners on different levels. You also used manipulative to illustrate to scholars how to expand a surface area.

Recommendations:

- When questioning scholars during a lesson, direct questions to specific scholars. Questioning in this manner fosters accountability and promotes student engagement.
- Provide opportunities for students to hold scholarly discussions and allow them the opportunity to reflect on daily concepts through accountable talk. Accountable talk not only fosters critical thinking, it encourages student participation which is an excellent assessment tool.

X

This was a satisfactory lesson.

This was an unsatisfactory lesson.

[Signature]
Administrator's Signature

12/23/09
Date

I have read and received a copy of this observation and understand that a copy is being placed in my file.

[Signature]
Teacher's Signature

12-23-09
Date

EXHIBIT Q



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212
LaShawn Robinson, Principal

4

Lana Phillips, Assistant Principal, Administration
Katwona Warren, Assistant Principal Supervision

Telephone: 718-778-7305
Facsimile: 718-778-7385

FORMAL OBSERVATION

Date: February 25, 2010
Period: 3

Teacher: Eli Weber
Register: 17

Class: SCA2/Chem 2
Attendance: 9

Pre-Observation Conference: February 24, 2010
Diploma Plus Competencies: S07. Scientific Systems
Content Area- Chemistry
Post Observation- April 13, 2010

Lesson Objective:

SWBAT Synthesize an Understanding of Nuclear Chemistry

Dear Mr. Weber,

On Thursday, February 25, 2010 I entered your third period classroom to conduct a formal observation. The following is a summary of what I observed at the time of observation, which includes a narrative of the lesson, commendations for implementing best practices in the pedagogy, and recommendations for items that needs to be corrected and/or improved upon.

Narrative

Upon entering your classroom at 9:45am, a total of nine (9) scholars were present. Two scholars (Eric and Kareem) were having a personal conversation and another scholar (Nataya) was sharing her beliefs about bad luck and superstition with the class. The whiteboard displayed the very same objective, competency, vocabulary word, and homework assignments that were written the previous day. As your scholars entered the classroom, they were given two handouts- Handout #1- "100 things you need to know to pass the Chemistry Regents" and Handout #2- a question sheet created with the Castle Learning Program (see Attachment A.) It is important to note that scholars did not receive any verbal or written instructions. Scholars worked independently on the worksheet until 10:15am as you canvassed the classroom in an effort to assist scholars on the eight multiple-choice questions they were given. I, too, canvassed the room and observed that four (4) out of nine (9) scholars did not understand nuclear chemistry as evidenced by the following scholar comments recorded during the teaching period:

P [redacted] "I don't understand"
R [redacted] "It's too hard"
E [redacted] "How do I know how long the half-life of an element is?"

Upon review of D [redacted]'s work, he was calculating $\frac{1}{2}$ lives incorrectly. A [redacted] was happy about getting two questions correct, but shared with me that it was a lucky guess. Ca [redacted] has a very good understanding of the topic. She also shared the fact that she had prior knowledge of the topic from a previous school that she attended. At 10:21am, you addressed the entire class for the first time. The following conversation pursued:

EW- "What is transmutation?"
Class- (no answer)
EW- "What is an atom?"
Class- (no answer)
EW- What is fission?

You proceeded to provide a summary of chemistry related topics that were unrelated to the worksheet given, then reviewed vocabulary that was covered during the previous day's lesson.

EW- "The Regents model is interesting. The information is useless if you don't know how to use it. Why do you want to learn it? It involves the food industry! What are the benefits of nuclear energy?"

There was no wrap-up activity and the scholars were dismissed at the end of the period while you were still questioning scholars about the definition of chemistry and other chemistry related topics.

Commendations

Your lesson plan was readily available upon my entrance in to the classroom. The classroom was neat and well decorated with several visual learning tools related to chemistry. It was quite obvious that you have a good rapport with your scholars based on the positive and respectful interactions that both you and your scholars displayed.

Recommendations

Your objective "SWBAT Synthesize an Understanding of Nuclear Chemistry" was very vague, and as a result, you did not achieve the desired result of a well-planned and executed lesson. Your objective should be clear, obtainable, measurable, and achieved in one class lesson. To ensure that scholars understood the lesson, it is imperative that you check for understanding periodically within the teaching period to assess how well teaching and learning is taking place.

As stated in the narrative, scholars worked independently on an eight (8) multiple-choice question handout that you provided to your scholars as they entered your classroom. Upon closer review of the types of questions asked, this assignment should not have taken more than ten minutes to complete, yet you allowed scholars to work on it for 36 minutes. In addition, a scholar would have needed to already have a good understanding of nuclear chemistry to answer the questions on the worksheet therefore making the worksheet inappropriate for the objective for the day.

There was no evidence of differentiation observed during the time of observation. As written above, C [redacted] had a very good understanding of the subject matter. Providing instruction that is differentiated would really benefit C [redacted], as she is not being challenged. Ultimately, this could result in C [redacted] becoming disengaged.

No scholar work was displayed in your classroom. Posting work around the classroom is an important component of your classroom environment because it makes work that was previously covered in the classroom accessible to students. It also serves as a reference point for students who may have missed material or simply need to review. In addition, the work displayed on the bulletin board outside of your classroom has three scholar worksheets, with identical diagrams, short answer responses, and answers.

Conclusion

This lesson was rated **unsatisfactory** and I will return within the next two weeks to conduct another formal observation. I will continue to provide you with support in the form of an action plan to assist you in your lesson planning and implementation.

I have read this observation and understand that a copy will be placed in my file.

Supervisor's Signature

Date

Teacher's Signature

Date

cc: LaShawn Robinson, Principal

Witness X

NYC 0191

EXHIBIT R



Brownsville Academy High School



Walkthrough

Date: 4/9/10 Teacher: Mr. Weber Class: Chemistry Period 4
 Objective: Not posted 10 scholars

(E) Excellent (S) Satisfactory (NI) Needs Improvement (U) Unsatisfactory

	E	S	NI	U
1. Planning/preparation were evidenced through:				
- demonstrated knowledge of subject matter and pedagogy		✓		
- demonstrated knowledge of students		✓		
- objective(s) was at the appropriate level		✓		
- demonstrated knowledge of appropriate resources		✓		
- demonstrated instructional planning			✓	
- demonstrated knowledge of the workshop model		✓		
- ability to achieve learning objective			✓	
- ability to gauge lesson pacing		✓		
2. Instruction was characterized by:				
- communication/presentation was clear and accurate	E	S	NI	U
- Higher level questioning and discussion techniques		✓		
- actively engaged students/Incorporated active learning strategies			✓	
- feedback provided to students		✓		
- encouragement and motivation of students		✓		
- provision for guided practice		✓		
- provision for wrap up		✓		
- provision for homework		✓		
3. Classroom environment reflected:				
- respect and rapport	E	S	NI	U
- culture for learning		✓		
- managed classroom procedures		✓		
- managed student behavior		✓		
- organized learning environment		✓		
- responsiveness of student needs		✓		
- individual and active involvement of students in the learning process		✓		
- differentiated instruction			✓	
Commendations:				
• you have a good rapport with the scholars and provide positive feedback when they answer questions				
Recommendations:				
• Incorporate active learning strategies, checking for understanding and differentiated instruction to promote student engagement.				
• Engage accountable talk during the lesson				
<input checked="" type="checkbox"/> This was a satisfactory walkthrough. <input type="checkbox"/> This was an unsatisfactory walkthrough.				
I look forward to visiting your classroom in the future to ensure the success of our scholars and helping you to meet and exceed your professional goals for the year.				
		<u>4/12/10</u>		
Administrator's Signature		Date		
I have read and received a copy of this walkthrough and understand that a copy is being placed in my file.				
		<u>4-13-10</u>		
Teacher's Signature		Date		

EXHIBIT S



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212
LaShawn Robinson, Principal

Lana Phillips, Assistant Principal, Administration
Katwona Warren, Assistant Principal Supervision

Telephone: 718-778-7305
Facsimile: 718-778-7385

FORMAL OBSERVATION

Date: April 19, 2010
Period: 7

Teacher: Eli Weber
Register: 12

Class: SCA2/Chem 2
Attendance: 7

Pre-Observation Conference: April 15, 2010

Post-Observation Date: April 27, 2010

Diploma Plus Competencies: S04. Scientific Communication

Content Area- Chemistry

Lesson Objective:

SWBAT Construct a Bibliography

Dear Mr. Weber,

On Wednesday, April 14, 2010, you received a notice informing you that you were scheduled for a pre-observation conference for Thursday, April 15, 2010 at 9:00am (see Attachment A- Notice of Observation.) On the day of the scheduled meeting, you informed Ms. Ingrati, Secretary that you were not ready to meet; therefore, I rescheduled our meeting for Friday, April 16, 2010. On April 16, you again stated that you were not prepared for the pre-observation conference. I offered to work with you on a lesson plan for your upcoming observation, but you refused to meet with me. You were informed that your formal observation will still take place on Monday, April 19, 2010 as originally scheduled.

On Monday, April 19, 2010 at 12:10pm, I entered your third period classroom to conduct a formal observation. The following is a summary of what I observed at the time of observation, which includes a narrative of the lesson, commendations for implementing best practices in the pedagogy, and recommendations for items that need to be corrected and/or improved upon.

Narrative

Upon entering your classroom at 12:10pm, 5 scholars were present and ten minutes later, 2 additional scholars arrived. Immediately upon my arrival, you walked over to a tripod with a video camera, turned it on, and adjusted the lens. Your objective "SWBAT Construct a Bibliography" was written on the whiteboard. In addition, a homework assignment requesting that all scholars complete their Science Fair Project was also written. On the column in the rear of your classroom three examples of student work was posted- one with a grade of 3 written on it and the other two had no comments or corrections. The words 'bibliography' and 'sources' were written on the chalkboard. Graffiti common to the Crip Gang "8 II 3" was observed on the Fire Emergency Egress card near the telephone. You began your day's lesson with a moment of silence that ended at 12:22pm. At the end of the moment of silence, you settled your scholars down and asked the following questions:

Weber- What is plagiarism?

Class- [no answer]

Weber- What's the difference with plagiarism from when

NYC 0208

- I was in High School and while you are in High School today?
- I [REDACTED] What!?!
 Weber- I can use the internet to see if you've plagiarized. There are programs on the World Wide Web that will let me know if you've done so.
 I [REDACTED] Okay
 Weber- Here's another reason why you want sources for a Science Fair project. Who would ask a question about a scientist?
 Class- [no answer]
 Weber- What happened at the UN [United Nations] about Global Warming?
 Class- [incorrect guesses]
 Weber- People at the UN falsified records. This is an example of why you have to read to have accurate records.

At 12:27pm, you instructed your scholars to look at the orange textbook and reviewed the citations listed in the textbook. During the lesson, three (3) scholars (I [REDACTED], J [REDACTED], and N [REDACTED]) were actively engaged in lesson being taught. N [REDACTED], K [REDACTED], and R [REDACTED] worked exclusively on their science fair project and did not participate in the lesson being taught. Dominique left the classroom shortly after the lesson began and never returned. After the review, you gave your scholars ten minutes to create their own citation using the textbook as a guide, then requested that they write the example that they created on the board.

As your scholars were working on the task at hand, you returned your scholar's midterm examinations. You began by commending K [REDACTED] on her midterm grade which was a 40%. The scholar questioned why she was being honored when in fact she received a poor grade. You replied that her score has increased significantly compared to her previous test grade. K [REDACTED] made a comment to the scholar sitting next to her, "it really doesn't matter if you do well [on exams] as long as you do a Science Fair project, you will pass." The other scores in the classroom were as follows: 10/25 (40%), 17/25 (68%), N [REDACTED] 10/25 (40%), 5/25 (20%), 8/25 (32%), 10/25 (40%), and 10/25 (40%) making the midterm average for scholars in attendance 40%. You proceeded to ask the three scholars to write their example of a citation on the chalkboard, and then reviewed your scholar's work as they wrote their examples on the board. Finally, you wrapped the lesson up with a summary and review of the terms discussed in class.

Commendations

As always, your lesson plan was readily available upon my entrance in to the classroom. The classroom was neat and well decorated with several visual learning tools related to chemistry. Positive and respectful interactions were observed between you and your scholars throughout the course of your lesson. In addition, it was apparent that your scholars were interested in presenting their project in the upcoming Science Fair.

Your room was scholar centered in that scholars were working together in groups to complete the tasks presented to them. In addition, the scholars who were working on the citation assignment eagerly volunteered to go up to the chalkboard and share their answers with their classmates, making them an integral part of the lesson.

Recommendations

Your objective "SWBAT Construct a Bibliography" is not aligned with the chemistry curriculum that you have submitted. As stated in our post-observation conference, because you are behind schedule, it is imperative that you align your daily lesson plan with the curriculum. In addition, your objective for the day's lesson would have been better executed in the library in collaboration with Ms. Livingstone, Librarian as it exclusively related to citing resources from various informational sources.

As stated in the narrative, I observed you videotaping the lesson. On Friday, April 23, 2010, a conference was held with you, Principal Robinson, UFT Representative Plummer, and I regarding this matter. You stated that you were videotaping yourself in your classroom in preparation for your formal observation and denied videotaping the lesson that was observed. As per the NYC Chancellor's Regulation A-640 regarding filming in school facilities, filming or photographing in school facilities during school hours will be permitted only with the written approval of the principal. You did not seek such approval from Principal Robinson.

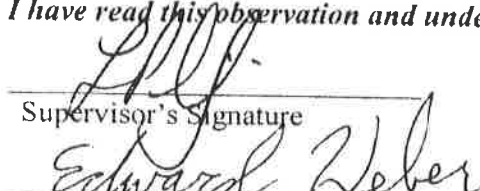
Research has proven that scholars have a high rate of success when teachers establish high expectations and provide the necessary supports to achieve this goal. As stated in the narrative, you commended K [REDACTED] on her midterm grade which was a 40%-- your class's average score on the midterm. Although K [REDACTED] was visibly disappointed with her grade, she felt reassured as evidenced by her comment "it really doesn't matter if you do well [on exams] as long as you do a Science Fair project, you will pass" and continued to work on her project during the lesson. During our post-observation conference, when questioned about your class's low midterm grades, you responded by stating "I don't think my grades were low." You further stated that you have graded hundreds of Regents exams in your career and felt that the grades were very good because the exam is graded on a curve and your questions came directly from the Regents exam.

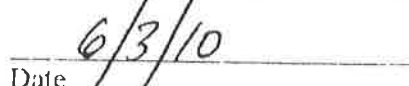
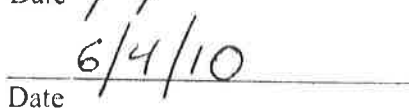
As stated in your previous formal observation, which was held on Thursday, February 25, 2010, very limited scholar work was observed displayed in your classroom. In addition, the work displayed on the bulletin board outside of your classroom was not changed or updated since your last observation. Posting current scholar work around the classroom is an important component of your classroom environment because it makes work that was previously covered in the classroom accessible to students. It also serves as a reference point for students who may have missed material or simply need to review.

Conclusion

This lesson was rated **unsatisfactory**. I will continue to provide you with support in the form of an action plan to assist you in your lesson planning and implementation.

I have read this observation and understand that a copy will be placed in my file.


Supervisor's Signature
Teacher's Signature


Date

Date

cc: LaShawn Robinson, Principal

EXHIBIT T



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212
LaShawn Robinson, Principal

Lana Phillips, Assistant Principal
Katwona Warren, Assistant Principal

Telephone: 718-778-7305
Facsimile: 718-778-7385

May 5, 2010

Mr. Edward Weber
Chemistry Teacher
Employee File #794454

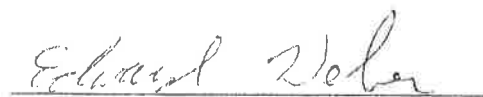
Dear Mr. Weber:

You filed a grievance claiming that your rights pursuant to Articles 2 and 20 of the collective bargaining agreement were violated when your classroom was observed and you received an unsatisfactory rating. I held a meeting in my office with you, your union representative, Mr. Plummer and Assistant Principal Phillips on April 30, 2010 to discuss your grievance.

I deny your grievance because you failed to demonstrate that you were harassed or that the letter for your file was unfair or inaccurate.

Sincerely yours,


LaShawn Robinson
Principal


Employee's Signature

5-11-10
Date

We Are The Best!

NYC 0229

EXHIBIT U

4E

B"H

May 12, 2010

To whom it may concern:

On May 5, 2010, I received a letter from Ms. LaShawn Robinson, principal of Brownsville Academy High School, denying a grievance I filed in April, 2010. That original grievance states that my rights pursuant to Articles 2 and 20 of the collective bargaining agreement were violated when my classroom was observed by Ms. Lana Phillips on April 9, 2010 and as a result, I received an unsatisfactory rating.

Ms. Robinson's letter denying my grievance alleges that I failed to demonstrate that I was harassed or that the letter placed in my file was unfair or inaccurate.

Unfortunately, I must now take this matter to the next level, and will detail why in this letter. Please consider this letter a detailed appeal of Ms. Robinson's denial of my grievance, explaining the unfairness and inaccuracies of Ms. Phillips' letter placed in my file, and some most recent examples of the harassment I have been experiencing from Ms. Phillips.

I will first address circumstances surrounding Ms. Phillips' Formal Observation on February 25, 2010, and her subsequent written summary of her visit to my classroom.

PRE-OBSERVATION CONFERENCE

Even the pre-observation conference, on February 24, the day before the observation, was carried out in a harsh manner:

- 1) I was given one day's notice of the timing for the Formal Observation, and one hour's notice of the pre-observation conference, finding a notice in my teacher mailbox upon my arrival at school shortly before the first period of the school day on Wednesday, February 24, 2010. With the notice was a pre-observation questionnaire that I was to bring, completed, to a meeting now scheduled for 8:50 a.m., during second period. I do not know when Ms. Phillips expected me to complete the form, as I am sure she was aware that I had a regularly scheduled class to teach during first period.
- 2) I reported to the pre-observation conference with Ms. Robinson and Ms. Phillips, at 8:50 a.m., and I was surprised to find that there was another person, unfamiliar to me – a principal-in-training from the Leadership Academy – in attendance. During this conference, at one point, Ms. Phillips asked me a question. When I tried to answer her, Ms. Phillips gruffly cut me off, ordering me not to "interrupt" her.
- 3) The pre-observation meeting continued in this tone. For example, when I tried to tell Ms. Phillips that I was presenting "Vocabulary-Based Learning," to my class that

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day, she harshly criticized me in front of Ms. Robinson and the principal-in-training, stating that she felt that Vocabulary-Based Learning is too simplistic.

This totally took me by surprise, since the school's Science Department had previously scheduled that I would do Vocabulary-Based Learning, with the administration's prior approval, including the approval of the department head. I might add that, along with her duties as Assistant Principal, Ms. Phillips is appointed the head of the school's Science Department.

INTRODUCTION TO MS. PHILLIPS' WRITTEN REPORT

Ms. Phillips begins her written summary of her Formal Observation with the following seemingly innocuous statement, "On Thursday, February 25, 2010 I entered your third period classroom to conduct a formal observation." This sentence, however, omits any acknowledgment of the following:

Ms. Phillips had also entered my classroom, with no advance notice, on the immediately previous day (February 24, the very same day she had verbally browbeaten me during the second period pre-observation meeting), accompanied by Ms. Robinson, and the visiting principal-in-training who had been present at that pre-observation conference. At that time, Ms. Phillips and company spent nearly an entire period – *third period, which was immediately after that second period harrowing pre-observation meeting* – in my classroom. During that visit, Ms. Phillips spent the whole time glaring at me with a sour expression.

It is very hard to imagine that it was mere coincidence that, out of all of the classrooms in Brownsville Academy High School during period three, it was my classroom that Ms. Phillips needed to choose as a place to bring Ms. Robinson and the visiting principal-in-training, *directly following* what had already been a distressing meeting with Ms. Phillips, Ms. Robinson, and the principal-in-training. It seems at least possible that there was another agenda going on, perhaps that of demonstrating to the principal-in-training how to successfully bully a teacher in two hours flat (three hours, if you count the consternation I felt during my first period teaching, knowing that I had to show up at the pre-observation conference having had no time to fill out the questionnaire).

Certainly, the presence of the principal-in-training -- at both the unusually hostile (even for Ms. Phillips) pre-observation conference AND at Ms. Phillips' (and Ms. Robinson's) surprise visit to my class immediately afterward -- added to the sense of humiliation borne out of how I was treated.

Unfortunately, I must conclude that Ms. Phillips did all of this as yet another act of harassment.

In the same beginning paragraph of Ms. Phillips written summary of her February 25, 2010 Formal Observation, she states that her summary includes "commendations for implementing

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best practices in the pedagogy". However, her "Commendations" section, on page two of her written summary, were limited to approving of the fact that my written lesson plan was "readily available," her finding that my classroom was "neat and well decorated," and that I had a "good rapport" with the scholars. Not once in that very short paragraph did she commend *anything* about my actual pedagogy.

It is quite strange that Ms. Phillips could not bring herself to find even *one* aspect of my actual pedagogy to praise on that day! Her conclusions stand in stark contrast to those of the other Assistant Principal in the school, Ms. Katwona Warren, who did a "Walkthrough" of my classroom on April 9, 2010, and gave me an overall rating of "Satisfactory," in which *none* of her 24 evaluation points were in the "Unsatisfactory" category.

In that same beginning paragraph of Ms. Phillips' written summary, she says the summary will also include "recommendations for *items that needs* [sic.] to be corrected and/or improved upon". Indeed, her "Recommendations" section of the summary was six times the length of her "Commendations" section.

(It is also odd that Ms. Phillips, in a position of supervising teachers, and who purports to understand the way language relates to instruction, would choose to include such poor grammar not only this one time in her written report, but in several other places in her summary. These all are likely to have been easily caught and corrected had she merely used "Spell and Grammar Check" before completing her writing!)

NARRATIVE SECTION OF MS. PHILLIPS' WRITTEN REPORT

Ms. Phillips' next paragraph notes that at 9:45 a.m., three minutes into the beginning of the period, when she entered the classroom [when the scholars were *finishing* getting settled into their seats and ready to begin the lesson], three scholars were discussing a matter seemingly unrelated to that day's curriculum ("personal conversation").

It seems that Ms. Phillips is grasping at straws here. Perhaps she prefers that I eject scholars from the class who have the temerity to need three whole minutes to settle-in before the class begins?

Ms. Phillips then complains that, "The whiteboard displayed the very same objective, competency, vocabulary word, and homework assignments that were written the previous day." Please allow me to remind here, that Ms. Phillips would only be in a position to make such conclusions because she had chosen *my* classroom to visit for the entire period on the very previous day, quite arbitrarily, as I described earlier.

However, there is no Department of Education or Brownsville Academy High School policy prohibiting a teacher's taking more than one day for their classes to work on any objective, competency, vocabulary word, or homework assignment, as the need

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arises. I might add that the subject matter being covered that day – nuclear chemistry – is a very complex subject, demanding more than one day's effort.

Ms. Phillips then continues, "It is important to note that scholars did not receive any verbal or written instructions [for the two handouts I had just given them at the beginning of class]."

As Ms. Phillips is well aware, however, every day I create and give out handouts such as these to the scholars for the first part of the class period, based upon the material/unit being covered that day. By February 25 in a school year, it is generally not necessary to give new verbal or written instructions to the scholars, about what is required from them upon receipt of the handouts. The scholars know that they are to sit down and get to work on them, plain and simple.

In addition, the scholars are not shy about asking me questions during their work. They know that I welcome such questions, since my classroom is a student-centered environment – a fact of which Ms. Phillips has long been aware.

Along with all of this, as explained above, that day's lesson was a continuation of the previous day's lesson – which Ms. Phillips, Ms. Robinson, and the visiting principal-in-training had themselves observed on the previous day.

Ms. Phillips next states that, while I "canvassed the classroom in an effort to assist scholars on the eight multiple-choice questions they were given, [she], too, canvassed the classroom and observed that four (4) out of nine (9) scholars did not understand nuclear chemistry as evidenced by . . . scholar comments"

This is Ms. Phillips again playing "gotcha".

If all of the scholars already understood nuclear chemistry that day, indeed, I'd have planned a different lesson for that day! To my knowledge, it is not an indictable offense when, mid-period, scholars have not yet completely grasped the lesson.

Ms. Phillips then goes into excruciating detailed examples of what she alleges that some individual scholars did not yet understand, again as if that indicates some kind of failure on my part: one scholar not (yet) knowing how to begin calculating the half-life of an element; another "calculating $\frac{1}{2}$ lives [sic.] incorrectly."

Yet, the whole purpose of giving the scholars sample questions – on nuclear chemistry -- from the Regents' chemistry exams as a classroom exercise, was to discover the areas in which each scholar still needed more instruction. The fact that a scholar has trouble with some sample Regents exam questions on February 25 – about four months before the exams will be given -- is not exactly an indicator of unsatisfactory pedagogy on the teacher's part!

It is also more than a little unfair and low of Ms. Phillips, that she quotes the normal grunts and groans of scholars asked to complete an exercise ("I don't understand," "It's too hard," etc.) and seizes upon *that* as a reason that these scholars' teacher should receive an "unsatisfactory" rating! Since when is it the teacher's responsibility to

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make sure that no scholar ever experiences any moments of not-yet-getting-it during a lesson?

Ms. Phillips states that "A [REDACTED] was happy about getting two questions correct, but shared with me that it was a lucky guess."

The fact that A [REDACTED] successfully answered the two questions probably shows that this scholar was making *educated* guesses, rather than "lucky" ones. That A [REDACTED] allegedly felt the need to guess somewhat is, again, not a sign that her teacher is unsatisfactory. Rather, it's a topic, within nuclear chemistry, that A [REDACTED] now knows she should work on some more, in order to be prepared for the June Regents exam, so that, by then, she won't be guessing.

Ms. Phillips then continues by stating that, "C [REDACTED] has a very good understanding of the topic. She also shared the fact that she had prior knowledge of the topic from a previous school that she attended."

This is yet another "gotcha" moment from Ms. Phillips.

This time, Ms. Phillips is implying that a scholar who "has a very good understanding of the topic" must not have obtained that understanding in Mr. Weber's class. No doubt, if C [REDACTED] did *not* have "a very good understanding of the topic," Ms. Phillips would have included those negative allegations in her summary of my pedagogy, too, as she did about another scholar, D [REDACTED].

It appears from this, that according to Ms. Phillips, if a scholar does not instantaneously understand nuclear chemistry halfway through the class, it's a reason to criticize Mr. Weber. Yet, even when a scholar *does* understand the topic that soon, there must be some explanation other than that she is being taught successfully by Mr. Weber.

Incidentally, Ca [REDACTED] reported to *me* that she had never learned nuclear chemistry in any of her previous schools, contrary to Ms. Phillips' assertions.

Ms. Phillips states that, "At 10:21 a.m. [the class had begun at 9:45 a.m.], you addressed the entire class for the first time."

It would have been sufficient for Ms. Phillips to simply state that at 10:21, I addressed the entire class. Her inclusion of the words, "for the first time," is yet another attempt at playing "gotcha," implying that I was somehow remiss in not having addressed the entire class as a group *earlier*.

Yet, as explained already, approximately the first two-thirds of the lesson was a student-centered exercise, in which the scholars worked independently.

Ms. Phillips then stated that "the following conversation pursued [sic. – should be 'ensued']:"

EW- "What is transmutation?"

Class- (no answer)

EW- "What is an atom?"

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Class- (no answer)

EW- "What is fission?"

Class- (no answer)

1) These excerpts are quoted out of the context of the full presentation I made when addressing the class at that time.

2) Ms. Phillips, *unlike the scholars*, failed to grasp that these were rhetorical questions, meant to emphasize to the scholars what to focus on in their study of nuclear chemistry. (Also, see list of vocabulary terms on the lesson plan for that day, which included *transmutation* and *fission*.)

3) It is my understanding that the Formal Observations are to be constructive in nature, at least in part. Ms. Phillips instead, as evidenced by her summary report, has used the Formal Observation process as yet another forum to harass and attempt to undermine my work as an educator, taking nearly each and every benign (or even positive) occurrence in my classroom, and grotesquely twisting it into something negative.

4) Even if I *had* wanted the scholars to answer these questions as they came up within my full presentation to the class, the fact that no one answered the questions is, again, not an indictable offense by the teacher! There are many reasons why students do not always volunteer to answer questions posed by a teacher in the classroom. (But, again, as explained before, in *this* case these were rhetorical questions, and the scholars understood that!)

Next, Ms. Phillips noted (on page two of the "Narrative" section): "You proceeded to provide a summary of chemistry related topics that were unrelated to the worksheet given".

The areas that some scholars needed help on, as I observed during their work on the given worksheet, were some chemistry topics covered earlier in the year, on which these scholars needed some more review, and upon which are built many aspects of nuclear chemistry. The brief discussion/review of these chemistry topics, and their relationship with that day's topic – nuclear chemistry – conveyed to the scholars the sequence of understanding chemistry, e.g., for a scholar at first having difficulty understanding nuclear chemistry, a short review of the question, "What is an atom?" is indeed *appropriate*, not "unrelated," as Ms. Phillips asserts.

Chemistry, like math and so many other subjects, builds from subtopic to subtopic. Thus, review of the earlier "building block" concepts is sometimes necessary. Similarly, my brief inclusion of the relevant practical applications of nuclear chemistry (food industry, nuclear energy) was completely appropriate -- a good motivator for some scholars in the class -- and not "unrelated," as Ms. Phillips unfairly states.

Ms. Phillips remarked that, "There was no wrap-up activity" in this class session.

On the contrary; in fact, the review of the vocabulary terms "covered during the previous day's lesson [*and in this lesson!*]" was a wrap-up for this lesson as well. I

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explained earlier in this letter that nuclear chemistry is not necessarily a mere one-day-long topic.

Ms. Phillips then stated that, "the scholars were dismissed at the end of the period while you were still questioning scholars about . . . chemistry-related topics."

The fact that I taught right up to the last moment of class time is a sign that the Department of Education is getting its money's worth from me, surely not a reason for Ms. Phillips to complain!

COMMENDATIONS SECTION OF MS. PHILLIPS' WRITTEN REPORT

(I have already discussed this section earlier in this letter; see pages 2-3.)

RECOMMENDATIONS SECTION OF MS. PHILLIPS' WRITTEN REPORT

Ms. Phillips claimed my lesson objective -- SWBAT: Synthesize an understanding of nuclear chemistry -- was "vague" and therefore "did not achieve the desired result".

This is inaccurate on both counts, and is therefore also unfair!

The combination of the scholars' work on the two handouts, with class discussion reviewing the "building block" chemistry concepts learned previously, and applying these concepts to nuclear chemistry, along with my presentation of the relevance and societal benefits of nuclear chemistry, precisely *synthesize an understanding of the topic of nuclear chemistry*, with the scholars' progressive work in general chemistry thus far.

Ms. Phillips stated that, "To ensure that scholars understood the lesson, it is imperative that you check for understanding periodically within the teaching period to assess how well teaching and learning are taking place."

Yet, Ms. Phillips herself described earlier, in her summary report, that I in fact did check and assess during several points in the lesson, stating that I:

- 1) "canvassed the classroom in an effort to assist scholars," and
- 2) questioned scholars "about the definition of chemistry and other chemistry related topics."

Both of these activities, on my part, were among the ways I checked for understanding to assess how well teaching and learning were taking place!

In addition, Ms. Phillips conveniently left out of this part of her report the fact that, as I explained earlier in this letter, I recognized during the lesson that some scholars were forgetting some of their knowledge of some topics covered earlier in the school year. Because these concepts were needed to understand that day's topic -- nuclear chemistry. I switched gears and briefly reviewed these earlier topics based on my act of having "assessed how well teaching and learning are taking place."

4L

This is yet another example of Ms. Phillips' unfair pattern of twisting my good educator qualities around to make me look deficient as an educator! In fact, I consider it *libelous*!

Ms. Phillips asserted that, "... a scholar would have needed to already have a good understanding of nuclear chemistry to answer the questions on the worksheet therefore making the worksheet inappropriate for the objective for the day."

This assertion of Ms. Phillips might have been true had I given the scholars *only* the one worksheet with only the multiple-choice Regents questions.

But, in this section of her report, Ms. Phillips conveniently omits/forgets that I gave the scholars *two* worksheets at the beginning of class that day: the one containing the Regents questions AND the one containing facts, concepts, and tables with data needed in order to pass the nuclear chemistry section of the chemistry Regents exam! This other handout summarized information presented in the prior day's lesson. This other handout thus made it completely appropriate for even a scholar who did not (yet) have a good working knowledge of nuclear chemistry, to help them successfully figure out at least some of the Regents' questions on the *other* handout of the day.

Ms. Phillips claimed that there was "no evidence of differentiation [differentiated instruction]" in my lesson.

Nothing could be further from the truth!

The *non*-Regents scholars in the class were challenged and stretched by the discussions of both the industrial and practical applications of nuclear energy, while the Regents scholars in the class received the valuable opportunity to apply these concepts of nuclear chemistry to the sample Regents questions I provided in the handout.

Furthermore, the brief impromptu review of relevant chemistry topics covered earlier in the year, such as, "What is an atom?", while mainly for the benefit of the non-Regents scholars, also provided a valuable additional review for the Regents scholars in the class.

For the non-Regents scholars, the worksheets on nuclear chemistry – while not easy – provided a natural springboard to those chemistry topics that the non-Regents scholars needed to spend more time reviewing first, in order to perhaps later develop a good understanding of nuclear chemistry.

Chemistry instruction simply does not get much more "differentiated" than that!

This letter is very long already, but (in her Recommendations section of the report) Ms. Phillips *yet again* argued her earlier false assertion about C [REDACTED]. This time, Ms. Phillips has taken her earlier unfair and untrue allegation (that C [REDACTED] supposedly had prior knowledge of nuclear chemistry from a previous school C [REDACTED] had attended) and now wildly extrapolated it to the point of declaring that, "she is not being challenged."

4M

I must again emphasize that Ms. Phillips' earlier statement was false, according to C [REDACTED] herself, as mentioned earlier in this letter. Therefore, for Ms. Phillips to now speculate that "Ultimately, this could result in C [REDACTED] becoming disengaged," is so out-of-line as to be irresponsible!

I am frankly surprised that Ms. Phillips would stoop this low just to add *one* more insult to all of her other harassment, taking a *successfully learning scholar*, and conjuring up a scenario of *prophesying trouble* where it does not exist!

MS. PHILLIPS' HARASSMENT AS AN ONGOING PROBLEM

I mentioned earlier in this letter that Ms. Phillips is also the official head of Brownsville Academy's Science Department. In this capacity, she has unfortunately had the opportunity to additionally bully and harass me on numerous occasions.

The harassment I have experienced from Ms. Phillips prior to this situation includes:

1) Ms. Phillips verbally ordering me – she would not put this in writing -- to not allow any of the scholars in my classes to take the Regents exams mid-year, in the 2008-2009 school year. Ms. Phillips cited supposed difficulties in determining how many labs these frequently-transferring scholars will have actually had before graduating. I had several scholars during each of those years, who could have passed the chemistry Regents exam, but they did not get the opportunity to even try, due to Ms. Phillips' decree. Again, I suspect that another agenda was at work here.

I must also add here that, five years ago, during my first year at Brownsville Academy High School, it was my responsibility to create a chemistry lab for the school. One of the basics of such a lab is a ventilation hood. Indeed, at that time I ordered a very nice ventilation hood, among all of the other equipment purchased to create the lab. Five years later, the hood is still not hooked up, having never been installed by the school despite several requests by me to the school's administration.

2) Ms. Phillips' has repeatedly bullied me, in her attempts to humiliate me over matters of curriculum, in front of other faculty and Principal Robinson.

For example, at a Professional Development session held last semester, several other faculty members were making a presentation on the topic of Bloom's Taxonomy, a currently popular educational tool. During this presentation, I was listening attentively and minding my own business. Suddenly, Ms. Phillips singled me out and ordered me to comment on what was being taught, even though I was not one of the faculty presenters at this Professional Development session.

In front of the other faculty members at the session, I (alone) was now expected to answer Ms. Phillips' question, "Mr. Weber, what do you think of the concept [Bloom's Taxonomy] being taught at today's Professional Development?"

Since the session was not completed yet, I was reluctant to comment, because I wanted to hear the whole presentation before analyzing it or drawing any conclusions. But Ms. Phillips pressed me for my review of the concept. So I asked

4N

one question, seeking clarification on the Bloom's Taxonomy concept of questions having "levels" based on their complexity.

The next thing I knew, Ms. Phillips publically asked me to leave the Professional Development session, and she immediately summoned Ms. Robinson via walkie-talkie, to "discipline" me for merely posing a question – one which I didn't want to formulate or pose in the first place!

Thus, it seems that I have been set up to be shot down, repeatedly, by Ms. Phillips, like a decoy duck for target practice! I am at a loss as to how to understand such irrational harassment attacks on me as an educator. But, regardless of where Ms. Phillips is coming from in misbehaving this way toward me, there has been a regular pattern of her significantly harassing me like this.

THE DENIAL OF MY ORIGINAL GRIEVANCE OF THIS FORMAL OBSERVATION

Ms. Robinson's May 5, 2010 letter to me denies my grievance because she felt I'd "failed to demonstrate that [I] was harassed [and] that the letter [the report Ms. Phillips wrote containing the unsatisfactory rating] for [my] file was unfair or inaccurate."

As I have shown in this letter, in major detail, I was indeed harassed, and the letter for my file was definitely both unfair *and* inaccurate, for numerous reasons.

In Ms. Robinson's denial letter, however, Ms. Robinson states that she held a meeting in her office with me, my union representative (Mr. Plummer), and Assistant Principal Phillips, on April 30, 2010, to discuss my original grievance. There was a misunderstanding about the purpose of this April 30 meeting, and I was told that the meeting would be informal in nature. Had I known that Ms. Robinson and Ms. Phillips considered this to be *the* formal meeting to address my grievance, I would have been more than willing to present *there* all of the point-by-point information I have presented *here* in this letter. Thus, it is certainly worth considering that Ms. Robinson might *not* have so quickly denied and dismissed my original grievance of Ms. Phillips' behavior and letter, had the complete picture been presented at that April 30 meeting.

Regardless, I request here that my grievance be officially appealed to the next level.

In addition, I feel that it should perhaps be examined whether it is even fair and proper for her to be *both* the head of the Science Department, *and* the Assistant Principal assigned to evaluate *any* of the science teachers in the school, as there is a potential conflict of interest here.

If there is any more information I can provide on this matter, please feel free to contact me.

Sincerely,

Mr. Edward J. Weber

EXHIBIT V



BROWNSVILLE ACADEMY HIGH SCHOOL
 1150 East New York Avenue
 Brooklyn, NY 11212

LaShawn Robinson, Principal

Lana Phillips, Assistant Principal
Katwona Warren, Assistant Principal

Telephone: 718-778-7305

Facsimile: 718-778-7385

Observation Report

Teacher: E. Weber	Content/License Area: Science - Chemistry	Class: Chemistry SC2/4
Pre-Observation:	May 28, 2010	
Observation Date:	June 1, 2010	Time: 12:14 pm – 1:03 pm
Post Observation:	June 18, 2010	
# of Scholars Present	8	# of Scholars on Register 12

Summary of Lesson

When I entered your classroom, scholars were completing the worksheet "Atoms and their Parts: Subatomic Particles." You opened the lesson by telling the scholars a story about "Mr. Proton, Mr. Neutron and Mr. Electron." Your objective for the day was "SWBAT Count atomic particles." You showed scholars the legend for the Periodic Table of Elements. After reviewing the chart, you defined atomic mass as the average mass of the isotopes as they occur in nature. You then asked a scholar to read the handout "Mr. Neutron has his day." After reviewing the handout "Atoms and their Parts," you placed scholars into groups by stating to one group of scholars "you guys sit over here" and to another group "you guys sit over here" while motioning your hand in the direction you wanted them to go. You then started the *Jeopardy* game. You began the game by stating "Okay, let's begin." A scholar from one of the groups selected the first category.

Scholar – Stable or Not for \$300

Mr. Weber – What has a negative two charge?

Scholar – What is oxygen?

Mr. Weber – I would say it's similar.

Scholar – Electrons for \$200

Mr. Weber – Negative Charge

(Random answers were called out.)

Scholar – Electrons

Mr. Weber – O.K., I'll accept that.

Throughout the course of the game, scholars became confused as the rules and regulations of the game were not made clear. The following conversation ensued:

Mr. Weber - What is the question? What does this have to do with the question?

Scholar- You have to ask a question where the answer is.

Scholar 1- I think you have this backwards!

Mr. Weber - I don't even have a TV!

Scholar 2- That's why you don't know how to play it!

The lesson continued with scholars choosing categories and calling out answers. On at least three occasions, you gave answers to scholars without giving them the opportunity to determine the answers on their own. During the lesson, there was one scholar who answered the majority of the questions while another scholar did not speak for the entire period. When one group began to complain about the other group winning, you told the score keeper, N [redacted], "Give the orange team another \$500 points."

You ended the lesson at 12:53pm, 10 minutes early. When a scholar informed you that there was more time remaining in the class, you brought the scholars back together and continued playing Jeopardy until the end of class. You did not conduct a wrap up for this lesson.

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Classroom Environment:

- The room appeared to be neat and clean with some desks facing the board and computers at the back of the classroom.
- There were materials posted around the classroom that directly related to the content.
- The work displayed on the bulletin board outside of your classroom was not changed or updated since your last post-observation conference which was held on April 27, 2010. You were informed at that time that your bulletin boards need to be updated.

Commendations:

- In your 2009-2010 Teacher Development Plan, you stated that you would like to infuse more technology into your curriculum. Your use of the computer for the Jeopardy review was one way of infusing technology into your lesson and moving one step closer towards meeting your goal.
- The good rapport that you have established with your scholars was evidenced by the relaxed atmosphere in the classroom. Your demeanor, friendly and pleasant, and your sense of humor added to the learning experience.

Recommendations:

- The objective of the day was "SWBAT Count Atomic Particles." At no time during the lesson did you refer to the objective of the day, direct scholars toward a meaningful discussion around the topic, or refer to your objective as a means of assessing scholars at the end of the lesson. Please ensure that you are encouraging scholars to reflect on the concept of the day. Accountable Talk is an effective tool to meet this objective. Accountable talk not only fosters critical thinking, it also encourages scholar participation and serves as an assessment strategy. In addition, Accountable Talk is directly aligned with the *Expectations for Teaching and Learning* which states that "scholars will read, write, listen and speak for social interaction."
- During your Pre-observation conference, you stated that you wanted to play a game with your scholars, so Ms. Warren shared a sample online Chemistry Jeopardy game with you. During your lesson, you used the sample that was provided without editing the game to align it with your high school Regents Chemistry class. For example, for the answer "the force that holds a nucleus together" a scholar responded "What are Nuclear Forces?" You accepted the answer as being correct and moved on to the next question. During our post-observation conference, when we discussed this issue, you responded that the actual answer is "Forces of atomic attraction." As we discussed, the scholar's answer was incorrect, but you did not correct the scholar. You indicated that you allowed the scholar's answer to stand because you had not covered this topic in your curriculum.

In addition, you did not explain the rules of the game to the scholars and your expectations were not made clear. When a scholar told you that you "have the game backwards" you responded by stating "I don't even have a TV!" which further increased the scholars' level of confusion.

During our post-observation conference, you acknowledged that you had not adequately planned in preparation for the game. You also stated, "I thought the kids would be more familiar with the game...I should really make my own game" and "If I could do it differently in the future, I would change it." Please ensure that you align curriculum and instruction and properly prepare for your classes by reviewing all activities and questions that are included in your daily lessons.

- You ended your lesson at 12:53pm, ten minutes before the period ended. A scholar reminded you that there were ten minutes remaining in the period. You then continued playing Jeopardy until the end of the period. During your post-observation conference, you stated that you were nervous because you were being observed by several administrators. In addition, you did not have wrap up activity, as per the expectations for Teaching and Learning handout (see attached), which you received during our September 2009 staff meeting. When planning and preparing your lesson, please ensure that you are following the Diploma Plus *Workshop Model* and **include a wrap up of the lesson**. The data collected from the wrap up

is formative assessment data and will provide you with information to inform your daily lesson planning and grouping, and help you in determining scholars who need additional assistance.

Further, during our post observation conference, we discussed your New York State Regents pass rate. Eight (8) scholars completed the Chemistry Regents examination and their scores were as follows:

R [redacted] A [redacted] 38
K [redacted] B [redacted] 42
V [redacted] H [redacted] 51
K [redacted] R [redacted] 59

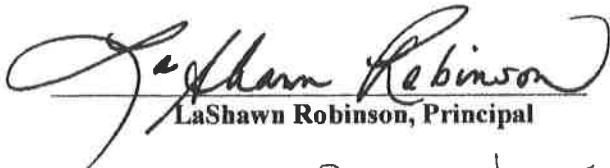
N [redacted] S [redacted] 48
M [redacted] T [redacted] 36
C [redacted] T [redacted] 52
J [redacted] W [redacted] 50

You were confused as to why scholars did so poorly on the Chemistry Regents exam. In addition, you were baffled as to why so many scholars simply did not show up to take your exam. I informed you that I will speak to each scholar to find out why they did not report for the Chemistry Regents examination. As we discussed, curriculum, instruction and assessment must be aligned. One way to assess scholar attainment of Chemistry content and skills and your instruction, is to assess scholars during every lesson. This assessment can occur throughout your lesson in the form of questioning, written and oral responses to the Do Now, providing scholars with an opportunity to answer your Learning Objective and through written activities. Assessment can also occur during the wrap up. Therefore, it is very important that you conduct a wrap up/assessment activity during every lesson. Again, the data collected from the wrap up is formative assessment data and will provide you with information to inform your daily lesson planning and grouping, and help you in identifying scholars who are advanced, on track and in need of additional assistance. Ms. Phillips worked diligently with you in this area all year, to no avail. As we discussed, I will continue to allow your colleague, Mr. Andrews and Diploma Plus Coach, Dr. Jenkins to support you in this area and administratively track and monitor your progress. Please be reminded that support is positive. Earlier this year, you informed me that you did not want anyone in your classroom. In order for you to improve instructionally, you must welcome constructive feedback and classroom observers.

- In your 2009–2010 Teacher Development Plan, you stated that you wanted to incorporate more writing into your lesson which is aligned with our school-wide instructional focus of Writing Across the Curriculum. One suggestion that was given during the post-observation conference was to incorporate writing assignments as a way of having scholars reflect on the lesson. This reflection will provide you with assessment data to inform instruction in your classroom. In addition, having scholars create a written summary of what they've learned for the day is one way of incorporating writing into your lesson (and including a wrap up activity). As you plan for future lessons, please ensure that you are incorporating writing into your planning and instruction which has a direct impact on scholar growth in knowledge, skills, appreciation and attitude toward the subject matter. You may refer to the "Expectations for Teaching and Learning" handout that you received during the September 9, 2009 PLC or your notes from the May 12, 2010 *Scientific Inquiry Based Questioning* Professional Development that you attended for further clarification.

Overall, this lesson has been rated **Unsatisfactory**.

I will continue to work with you to ensure the success of our scholars.


LaShawn Robinson, Principal

6/18/10
Date

Received 6/23/10

I have read and received a copy of this observation report and understand a copy will be placed in my file.


E. Weber, Teacher

6/23/10
Date

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NYC 0232

EXHIBIT W



BROWNSVILLE ACADEMY HIGH SCHOOL
1150 East New York Avenue
Brooklyn, NY 11212
LaShawn Robinson, Principal

Lana Phillips, Assistant Principal
Katwona Warren, Assistant Principal

Telephone: 718-778-7305
Facsimile: 718-778-7385

May 3, 2010 (Amended November 5, 2010)

Mr. Edward Weber
Chemistry Teacher
Employee File #794454

Dear Mr. Weber:

On April 23, 2010, at 10:55am, I met with you, your union representative Mr. Plummer and Assistant Principal Warren in my office to discuss an allegation that on April 13, 2010, during your coverage of Ms. Goodrum's 8th period class, scholars from other classes were cutting in your room. The scholars cutting in your classroom are as follows:

- C [REDACTED] R [REDACTED]
- R [REDACTED] S [REDACTED]
- T [REDACTED] M [REDACTED]
- J [REDACTED] E [REDACTED]
- D [REDACTED] W [REDACTED]

During the meeting, you stated that you recalled the coverage but you didn't have a class list because you didn't receive one. You were reminded that class lists were issued on March 4, 2010 after the PLC (Professional Learning Community) meeting and re-issued on March 22. You indicated once again that you did not have a class list. I then asked you why you didn't alert administration of the fact that you did not have a class list and you stated that you assumed everyone who belonged in the class was in the class.

I informed you that during your coverage, according to a statement by scholar L [REDACTED] G [REDACTED], someone in the class stole \$155.00 from her. You were asked if you were aware of the incident that took place and your response was, "No". I read the statement to you and you requested and were given a copy of it (see attached statement from L [REDACTED] G [REDACTED], dated April 13, 2010). I informed you that as a result of the theft in your classroom, L [REDACTED] G [REDACTED] approached the suspected thief (who did not belong in the classroom) and a fight ensued. L [REDACTED] and another scholar ended up with a forty-nine (49) day Superintendent's Suspension and Assistant Principal Warren was injured in the process of breaking up the fight. This unfortunate occurrence may have been avoided if scholars were not allowed to cut during your class coverage. I conclude that on April 13, 2010, you did not take appropriate action to ensure that cutting scholars were removed from your classroom.

I asked you if you had a class list to date and you stated, "I received one today". You then said that earlier this week you had a coverage and when you requested a class list from Ms. Ingrati (Secretary), you did not receive it. Ms. Ingrati was called into my office. I informed her that you indicated that you requested a class list from her and you reported that it was not issued. She told us that you did not call her to make this request. Upon her response, you said that you could have spoken to someone else. We then discussed strategies to ensure that scholars are in their correct classes, not cutting in your classroom.

We reviewed strategies that we discussed during a previous meeting. I reminded you that you previously indicated that in the future, you would certainly take time out and remove any scholar(s) who do not

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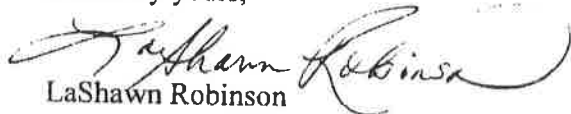
belong in your classroom. In addition, the strategy that we discussed to eliminate this problem was that you will welcome scholars into your classroom at the beginning of the period and ensure that scholars belong in your class. If scholars are late, you will answer the door to make certain that only the scholars that belong in your class during a particular period are allowed to enter the classroom. You also indicated that you will notify school safety by dialing extension 100 if a cutting scholar fails to comply with your directive(s) to leave the room. Further, you will utilize the class list if you have a coverage.

Please be advised that it is our desire to support you in your efforts to ensure that scholars are in their appropriate classes. Additional support systems include Mr. Kelly, who can be contacted at extension 403, Ms. Phillips who can be contacted at extension 205 or the main office at extensions 122 or 123. In addition, please feel free to contact me directly via Ms. Ingrati at ext. 122 (she can find me anywhere in the building) and I will personally remove a scholar from your classroom.

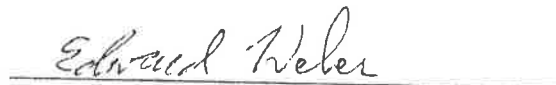
It is important to note that allowing scholars to cut in your classroom is a very serious infraction, robbing scholars of an opportunity to earn an appropriate education in the classroom that they are scheduled to attend. Allowing scholars to cut classes has a negative effect on the character and personality growth of scholars and it negatively impacts our wholesome school atmosphere. Please pay proper attention to your classroom records so that you are aware of the scholars who are programmed for your classes. Please control your classroom by removing scholars who do not belong.

Please be advised that this incident may lead to further disciplinary action, including an unsatisfactory rating and charges that may lead to your termination. Please make certain that scholars are not cutting in your classroom. Thank you for your cooperation in this matter.

Sincerely yours,


LaShawn Robinson
Principal

I have received this letter and understand that a copy will be placed in my file.


Signature

11-8-10
Date

Insert Fax This Way
Do not write on back

Do not send cover sheets
Do not send multiple sheets at one time

2641046



New York City Department of Education
WRITTEN STATEMENT FORM
FAX completed forms to (718) 935-5860

ATS: CENTRAL/P

NAME L [REDACTED] A [REDACTED] G [REDACTED]		GENDER Female
STATUS	DATE OF BIRTH 04/10/91	

STATEMENT Today April 13th, 2010 during 8th period someone in class ~~stole~~ stole \$155.00 from me. There were a lot of students in the room that didn't belong there, and most of them I rarely talk to. I wanted to use the bathroom so I asked C [REDACTED], an associate of mine, to watch my bag and before I left I counted my money. When I came inside the class like 10 minutes after I left, I sat back down, went in to my wallet and the money was gone. I asked C [REDACTED] what happen and she said to me that no one went inside my bag. When I got home I called her phone and I told her that if I didn't find out who it was by today that when I went to school the next day I was going to file a report with all their names on it, including hers. So she called me back and said that she made a phone call to T [REDACTED] M [REDACTED] and asked him if he took my money and that he replied "Yes" he also told her that if she said to anyone that it was him that he would have someone come up to the school for her. So she asked me to promise that I wouldn't tell anyone that she told me, that he admitted to steal my money.

PREPARATION STATEMENT

Statement by: L [REDACTED] A. G [REDACTED]	Signature: [REDACTED]
Date: 4/13/10	Telephone Number: [REDACTED]

Form Revision Date 7/26/2001

NYC 0220

THESE WERE THE KIDS WHO BELONGED IN THE CLASS.

- C [REDACTED] R [REDACTED]
- D [REDACTED] W [REDACTED]
- R [REDACTED] S [REDACTED]
- T [REDACTED] M [REDACTED]
- J [REDACTED] E [REDACTED]
- J [REDACTED] C [REDACTED]

7C

THESE WERE THE KIDS WHO BELONGED IN THE CLASS.

- S [REDACTED] P [REDACTED]
- D [REDACTED] W [REDACTED]
- T [REDACTED]
- M [REDACTED]

I WAS IN MR. WEBER'S CLASS DURING 8TH PERIOD, AND HE WAS COVERING FOR MS. GODDARD.

EXHIBIT X

2-1-12 In the Matter of Mr. Weber

SHEET 1

THE STATE EDUCATION DEPARTMENT
THE UNIVERSITY OF THE STATE OF NEW YORK

In the Matter of
NEW YORK CITY DEPARTMENT OF EDUCATION
v.

ELI WEBER

Section 3020-a Education Law Proceeding (File #TBA)

DATE: February 1, 2012

TIME: 9:30 a.m. to 11:38 a.m.
1:50 p.m. to 3:57 p.m.

LOCATION: NYC Department of Education
Office of Legal Services
49-51 Chambers Street
New York, NY 10007

BEFORE: JOHN WOODS, ESQ.
HEARING OFFICER

2-1-12 In the Matter of Mr. Weber

SHEET 10

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ROBINSON - DIRECT - CUMMINGS

A. Yes.

Q. Did you give the year rating--this year rating to the Respondent?

A. Yes.

Q. And did Mr. Weber sign for receipt?

A. Yes.

Q. Directing your attention to DOE Exhibit 5 in evidence, which is one page, what is DOE 5?

A. It is a letter requesting a meeting with Mr. Weber.

Q. And how do you recognize DOE 5?

A. I had my secretary create this letter and I signed off on it to meet with Mr. Weber to discuss scholars cutting in his classroom, an allegation.

Q. Is DOE Exhibit 5 a true and correct copy of what you wrote for April 20th, 2010?

A. Yes.

Q. And why did you schedule to meet with the Respondent on--for April 23rd, 2010?

A. To discuss scholars cutting in his classroom.

Q. And did you give this letter to the

ROBINSON - DIRECT - CUMMINGS

Respondent?

A. Yes, he received it.

Q. And did you have the meeting with the Respondent on April 23rd, 2010?

A. Yes.

Q. Directing your attention to DOE Exhibit 6 for identification, which is 12 pages, do you recognize this document?

A. Yeah.

Q. And what do you recognize this document to be?

A. This document was a letter that was generated after the disciplinary meeting on April 23rd. And it was regarding a cutting incident in Mr. Weber's classroom during a coverage, and a scholar--there was money stolen from a scholar which ended up leading to a fight in the school and the assistant principal being injured.

Q. How do you recognize this document?

A. I wrote this document.

Q. Is that your signature on page two?

A. Yes.

Q. Who wrote page three and four?

A. Page three was written by a scholar,

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ROBINSON - DIRECT - CUMMINGS

Lu. Ge., as well as page four.

Q. And what are pages five through seven?

A. This is a response from Mr. Weber.

Q. And what are pages eight through twelve?

A. This document was amended in November of 2010. So these pages in the back are the original pages from the original document. I don't remember the page numbers that you said, but the letter from me--this is the original letter.

MS. CUMMINGS: And just let the record reflect that the witness was referring to page eight.

A. So eight and nine would be the original letter. And the difference in the two, there is information included in this letter about a previous--or several previous incidents of cutting in Mr. Weber's classroom. The page that follows is from Mr. Kelly [phonetic], a teacher in the building, who submitted a letter to myself and Assistant Principal Phillips regarding a frustration that he was having with the cutting in Mr. Weber's classroom. And the next page is the same statement from scholar Lu. Ge--the next two pages.

THE HEARING OFFICER: Okay. Let me

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ROBINSON - DIRECT - CUMMINGS

interject for a minute. Hearing reporter, whenever you hear a student's name, just give me the initials.

COURT REPORTER: Okay.

THE HEARING OFFICER: Please continue.

Q. And why did you amend this letter on November 5th, 2010?

A. Mr. Weber grieved the original letter because it included information from the event from December and he was--he grieved the incident based on the 90 day rule. At the step one grievance I did not edit the letter because this letter reflects what happened during the meeting. So, during the meeting, I noted that this was an ongoing issue in Mr. Weber's class and Mr. Palmer [phonetic], the UFT rep, stated, "Well, what is the pattern that you're noting?" And I included this pattern from Mr. Kelly's letter dated December 11th. And when it went to a step two grievance we agreed to omit that information, and that's why the letter was amended.

Q. Is DOE Exhibit 6 a true and correct copy of the letter you wrote on May 3rd, 2010, and amended on November 5th, 2010?

A. Yes.

Q. And the attachments you provided to

2-1-12 In the Matter of Mr. Weber

NYC 0988

2-1-12 In the Matter of Mr. Weber

SHEET 12

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1 ROBINSON - VOIR DIRE - LICHTEN
 2 me. Ms. Cummings, what letter are you saying is not
 3 in front of Ms. Robinson?
 4 MS. CUMMINGS: Mr. Lichten is referring to a
 5 letter--a December letter that page ten was annexed to
 6 as well.
 7 THE HEARING OFFICER: Yes, okay.
 8 MS. CUMMINGS: And that letter is not in
 9 front of the Arbitrator, and that's the questions that
 10 he was referring to.
 11 MR. LICHTEN: I'm asking--
 12 MS. CUMMINGS: [Interposing] And it's not
 13 being offered into evidence in this hearing.
 14 THE HEARING OFFICER: Okay, please continue.
 15 Q. The tenth page of this document was
 16 attached to that December letter. Is that right?
 17 A. Yes.
 18 Q. And you had agreed at step two of the
 19 grievance process that that December letter, in
 20 addition to this attachment, would be taken out of Mr.
 21 Weber's file. Is that right?
 22 A. I agreed to omit--
 23 Q. [Interposing] Can you answer? Would
 24 that--is that true?
 25 MS. CUMMINGS: Objection, --.

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1 ROBINSON - VOIR DIRE - LICHTEN
 2 THE HEARING OFFICER: Overruled, continue.
 3 A. I agreed to omit this information
 4 here. This letter was also attached to the letter
 5 dated May 3rd.
 6 THE HEARING OFFICER: And again--and again,
 7 there are a number of letters being discussed.
 8 MS. CUMMINGS: And just let the record
 9 reflect when she said "this part here," she's
 10 referring to page nine of Exhibit 6 for
 11 identification.
 12 THE HEARING OFFICER: Thank you, okay.
 13 MS. CUMMINGS: The five bullet points.
 14 THE HEARING OFFICER: You got it. All
 15 right.
 16 Q. My question is--it's yes or no--did
 17 you agree as part of the step two resolution to take
 18 the tenth page of this document out of Mr. Weber's
 19 file?
 20 A. I agreed to omit this information.
 21 Q. That's not an answer to the question.
 22 MS. CUMMINGS: Page nine, the five bullet
 23 points, let the record reflect.
 24 THE HEARING OFFICER: Ms. Robinson is
 25 answering the question, Mr. Lichten.

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1 ROBINSON - VOIR DIRE - LICHTEN
 2 Q. All right. So the page--the tenth
 3 page of this document is still in Mr. Weber's file.
 4 Is that your testimony?
 5 A. Yes.
 6 Q. Aside from being as part of this
 7 exhibit? It was put in his file in December of 2009?
 8 MS. CUMMINGS: Objection. It's two
 9 different questions.
 10 A. The letter that you're referring to
 11 from--I don't know the date, but I do understand what
 12 you're saying--is not in Mr. Weber's file.
 13 Q. Okay.
 14 A. Because that was a totally separate
 15 incident that discussed cutting, severe cutting as
 16 well.
 17 Q. Okay. When was the tenth page of this
 18 document put in Mr. Weber's file?
 19 A. With this letter, it emerged as a part
 20 of a discussion from a disciplinary meeting that
 21 occurred on April 23rd, 2010.
 22 MS. CUMMINGS: And let the record reflect
 23 when she said "this letter," she's pointing to page
 24 eight and nine of DOE Exhibit 6 for identification.
 25 Q. Okay. The eighth and ninth page

1 ROBINSON - VOIR DIRE - LICHTEN
 2 where--are dated--is a letter dated May 3rd, 2010. Is
 3 that right?
 4 A. Yes.
 5 Q. And when was the eighth and ninth page
 6 given to Mr. Weber?
 7 A. He didn't sign for it. I don't have
 8 the date for that, sir. I can find out for you.
 9 Q. Do you know was the eighth and nine
 10 page given to Mr. Weber?
 11 A. The letter dated May 3rd, 2010?
 12 Q. Correct.
 13 A. Yes.
 14 Q. Do you know was it before--given to
 15 him before November of 2010?
 16 A. Was it given to him--yes, that was the
 17 basis of the--where Mr. Weber grieved and he--I think
 18 he says it here in his letter that he received it.
 19 "This letter is to respond--"
 20 MS. CUMMINGS: [Interposing] Just for the
 21 record, the witness is reading from page five of DOE
 22 Exhibit 6 for identification.
 23 A. He says that "This letter is to
 24 respond from--to the letter from Ms. LaShawn Robinson
 25 dated May 3rd, 2010, but which was delivered to me at

2-1-12 In the Matter of Mr. Weber

NYC 0990

EXHIBIT Y

From: Rank Kevin (17K568)

Sent: Monday, March 22, 2010 10:46 AM

To: Robinson LaShawn (17K568); Moorer Danielle (17K568); Ingrati Melissa (17K568); Karol Jaime (17K568); Andrews Kwane (17K568); Hameen Hanan (17K568); Weber Edward (17K568); Kittrell Latoya (17K568); Lovell Adrian (17K568); Plummer Karl (17K568); Chevere Amanda (17K568); Day Kim (17K568); Zarrillo Vincent (17K568); Peters Ketisha (17K568); Dr. Ivy Klenetsky; Livingstone Lloydia (17K568); Kelly Ronald (17K568); King Leon (17K568); Brown Lynette (17K568); Sundack Cooks Jacqueline (17K568); Warren Katwona (17K568); Lyle Thelma (17K568); Ramsawak Diana (17K568); Goodrum Melissa (17K568); Phillips Lana (17K568); Kamdar Sachin (17K568)

Subject: Line Schedule and Class Lists

Hello All:

Here is the student line schedule and the class lists. If you have any trouble opening them please let me know. Also, these are the official class lists. If they are incorrect for any reason (i.e. a student is not on your roster or a student has never shown up to your class), please let me know immediately.

Have a great day,
Kevin

EXHIBIT

Z

FE

June 8, 2010

To Whom It May Concern:

This letter is to respond to the letter from Ms. LaShawn Robinson dated May 3, 2010, but which was delivered to me at 3:00 on June 4, 2010 and placed in my personnel file. This disciplinary letter is the latest example of the type of repeated, systematic harassment I have been receiving from the administration at Brownsville Academy High School.

In this latest drama, Ms. Robinson basically accuses me of not being clairvoyant of the current class list, *for a class that was not even my own*, which I did the favor of covering – at short notice -- in that teacher's absence. Ms. Robinson is accusing me of not being enough of a truant officer, in essence: one scholar attending that class turned out to not be attending the correct period of the absent teacher's class. That truant (from whatever other classroom he was supposed to be attending at the time) scholar has now been *allegedly accused* (not even found to be definitely guilty!) of stealing from another scholar in that class during that period. Ms. Robinson is now trying to cover her own liability for this (alleged!) incident, by trying to blame me, *and further*, to threaten my job performance rating over this *alleged* (unproven!) incident!

It appears to me, as well, that they are grasping at straws here, as their accusations against me are tenuous at best, as I describe in this response/grievance letter. But they are using these tenuous, nervy, passing-the-buck charges to potentially threaten my career, and I am forced here to answer their harassing letter.

This is another stunning example of the *modus operandi* of this administration. They want to blame me for an *alleged* incident that they could have prevented, *if it indeed even occurred*. With a full-time dean, a lead teacher who only teaches a handful of classes, *three* principals, and barely 200 scholars it is shameful that these administrators nevertheless operate the school this way. Blaming me is a poor substitute for doing the right thing.

They also had full knowledge – in advance -- that there was a thief in the scholar population, but never took the time to share this information with scholars and staff in advance of the alleged theft incident. When Mr. Plummer brought this up at the meeting, they had no answer to his question.

I did call Ms. Ingrati about receiving a class list at an even more recent date than when this supposed incident occurred. She probably forgot to send it up to my classroom that day, as she is very busy running Brownsville Academy HS. I remember clearly that I had to send a scholar down to get the list for that class, which I covered even after this alleged incident.

And as for threatening me with a "U" rating, they have been trying to find ways to give me a "U" all year. This is yet another stunning example of their campaign of harassment and distraction. Instead of embracing teachers who relate well to the scholars, *and who*

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actually teach them, these administrators spend their energy and time harassing the educators.

To threaten my job performance rating over something like *this* is simple harassment, not to mention libelous! This school's administrators have the potential to be doing so much to improve the learning environment and atmosphere, and instead, here they are wasting their time searching for ways to harass teachers, while simultaneously attempting to absolve themselves for whatever mishaps (or *alleged* mishaps!) occur on *their* watch!

And they have yet again placed me in the position of having to potentially divert teaching energy and focus from the scholars in my chemistry classes, to defend myself from Ms. Robinson's and Ms. Phillips steady barrage of harassment acts, including my having to respond to yet another contrived, twisted letter from them in my personnel file.

I hereby officially file here a grievance, and request the immediate removal from my personnel file of Ms. Robinson's aforementioned letter of May 3, 2010 (but not given to me until *over one month later*, June 4, 2010, as described at the beginning of this letter). I further request that they *cease and desist* from this kind of repeated harassment, so that *all* of my energies can always be focused where they belong: on the scholars' progress in learning, and on the classroom environment.

Perhaps most important, I have been advised that I have additional grounds to compel the removal of Ms. Robinson's previously-mentioned letter from my personnel file:

In the letter, these administrators reference a prior disciplinary action that they attempted to take against me last March; to quote Ms. Robinson, from this May 3 letter (which I was not presented with until June 4), "I indicated that you have a pattern of allowing scholars to cut classes in your classroom. [Union representative] Mr. Plummer stated, 'What pattern?'" In the May 3 letter, Ms. Robinson then proceeded to quote from materials used and included by Ms. Robinson in a prior disciplinary letter against me. *However, that prior disciplinary action was successfully grieved, in March-April of this year, and that prior letter was then removed from my file!*

Nevertheless, in this new letter (the May 3 one I am grieving here) Ms. Robinson wrote, "We reviewed strategies that we discussed during a previous meeting [the meeting concerning the *prior successfully grieved letter removed from my personnel file*]," and "You also indicated [at that previous meeting, which resulted in the letter that was *successfully grieved and removed from my file*] that you will notify school safety by dialing extension 100 if a cutting scholar fails to comply with your directive(s) to leave the room. Further, you will utilize the class list if you have a coverage."

In this "new" letter of May 3 (which I only received on June 4), mentioning information from that prior letter -- *which was already successfully grieved and*

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removed from my file -- is a violation of the 90-day clause, hence this new reckless, harassing letter must also be immediately removed from my file.

(I might add that, even if the prior letter had *not* been successfully grieved, there is no "pattern" here, except one by the administration of Brownsville Academy HS – a "transfer school," where the students transfer in and transfer out frequently. This administration's "pattern" has *not* been to make sure teachers are always and timely provided with *up-to-date class lists*, reflecting *enrollment changes that occur frequently over the course of the semester*, for their own classroom scholars, nor for the scholars in their fellow teachers' classes for whom they may cover from time to time. This issue has been ongoing and is one of many still adversely affecting the teachers' work.)

No class list was made realistically nor reasonably available to me that day, despite the Ms. Robinson's claims to the contrary. Even when the subject (of the lack of available *current* class lists for teachers covering in another teacher's class) was brought up more recently, at a professional development meeting, most teachers in our school agreed that they still did not have practical, timely access to scholar lists for classes taught by other teachers.

The academic year is nearing a close, and this matter needs to be resolved quickly. Thank you.

Sincerely,

Edward J. Weber